

CHAPTER 16

Land Use

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ARTICLE I

General Provisions

Sec. 16-1-10. Purpose and jurisdiction.

(a) Purpose. It is the purpose of this Chapter to ensure the orderly, efficient and integrated development of the Town in a way that promotes the public health, safety and general welfare and that is compatible and protective of the natural environment. Specifically, the Town seeks to:

- (1) Provide a high quality of life for its residents;
- (2) Maintain property values;
- (3) Implement its adopted Comprehensive Plan;
- (4) Provide for the adequate and concurrent provision of public infrastructure and services with the development and use of land in the Town, and in a manner consistent with the public improvement plans of the Town;
- (5) Ensure well-planned subdivisions by establishing adequate standards for design, improvements and review;
- (6) Avoid traffic congestion and the overcrowding of land while providing adequate light and fresh air to residents;
- (7) Prevent loss of life and property from fire, flooding, geologic hazards and other natural or manmade dangers;
- (8) Conserve open space, significant environmental features and integrate a high quality natural environment into the developed portions of the community;
- (9) Develop a well-balanced land use pattern that will facilitate the development of an integrated community offering a diversity of housing and employment opportunities; and
- (10) Establish a Town Center area as the central business district, economic focal point and identity area for the Town.

(b) Jurisdiction. This Chapter shall apply to all property within the Town's jurisdiction. (Ord. O-10 §1, 2010)

Sec. 16-1-20. Title.

This Chapter may be cited as the "Superior Land Use Code." Within this Chapter, the Superior Land Use Code shall simply be referred to as "this Chapter." (Ord. O-10 §1, 2010)

Sec. 16-1-30. Relationship to existing ordinances.

Situations not lawful or conforming under previous ordinances do not become lawful merely by repeal of such ordinances. The adoption of this Chapter shall not adversely affect the Town's right to

seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect. Existing uses that may become nonconforming by adoption of this Chapter shall be legal nonconforming uses subject to Article IV. (Ord. O-10 §1, 2010)

Sec. 16-1-40. Comprehensive Plan.

This Chapter is intended to implement the policies as adopted by the Planning Commission and Board of Trustees in the Comprehensive Plan. To the extent that there is a conflict between this Chapter and the Comprehensive Plan, this Chapter shall control. The Comprehensive Plan is an advisory document only. (Ord. O-10 §1, 2010)

Sec. 16-1-50. Interpretation.

(a) This Chapter shall be interpreted to establish minimum requirements for the promotion of the public health, safety, morals and welfare.

(b) The requirements of this Chapter that are most restrictive or which impose the higher standards shall prevail.

(c) No person may use, occupy, modify, sell, lease or otherwise transfer any land or buildings or authorize or permit the use, occupancy, modification, sale, lease or transfer of land or buildings under their control except in accordance with this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-1-60. Fees.

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants under this Chapter, pursuant to the Town's standard fee schedule. In addition to the standard fees, the applicant shall pay any actual costs incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning, plus fifteen percent (15%) of such actual costs for Town staff administrative costs and supplies. The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application. If the applicant does not pay any such fees within thirty (30) days of written request by the Town, the Town may certify such past due fees to the County Treasurer as a first and prior lien on the property for which the application is submitted. (Ord. O-10 §1, 2010)

Sec. 16-1-70. Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Abandoned sign means any sign, together with its supporting structure, which, ten (10) days or more after the property has been vacated, advertises an activity, business, product or service no longer produced or conducted upon the property upon which such sign is located, excluding permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.

Accessory structure means a detached structure which is:

- a. Integrally related to the principal use on the lot;

- b. Subordinate and smaller to the principal building or use of the lot;
- c. Customarily incidental to the principal building or use of the lot;
- d. Located on the same lot as the principal building;
- e. Used only at the same time as the principal building is active and operational;
- f. Not detrimental or an alteration of the character of the area in which the accessory structure is located; and
- g. Not used for living or sleeping quarters.

Agriculture means the use of land for agricultural purposes, including farming, dairying, horticulture, grazing, and animal and poultry husbandry but excluding commercial hog farming.

Alley means the public or private right-of-way or easement within a block upon which the rear of lots generally abut, which is used for secondary access to the lots or for service purposes.

Antenna means any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

Apartment means one (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing more than two (2) dwelling units.

Architectural feature means any construction attendant to, but not an integral part of, a sign, which may consist of landscaping, building or structural forms that enhance the site in general, graphic stripes and other architectural painting techniques applied to a structure that serve a functional purpose, or stripes or other painting techniques applied to a building, provided that such treatment does not include lettering, logos or pictures.

Architectural projection means any projection not intended for occupancy that extends beyond the face of an exterior wall of a building, including, without limitation, cornices, eave belt courses, sills, box or bay windows, fireplaces, roof overhangs, mansards, unenclosed balconies, marquees, canopies, pilasters and fascia, but not including signs.

Automatic teller machine means an unmanned facility to provide banking and other electronic services that is operated by the customer.

Awning means a fixed or movable shading device supported entirely from the exterior wall of a building that can be retracted, folded or collapsed against the face of the supporting building.

Bank means a building, with or without a drive-up window, for the custody, loan or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Banner means a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one (1) or more edges.

Bed and breakfast establishment means a building in which rooms are rented on a daily basis to short-term guests.

Best management practices (BMPs) means physical, structural and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of stormwater.

Billboard means a sign structure advertising an establishment, merchandise, event, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located, as well as any other outdoor advertising prohibited by Section 43-1-401, et seq., C.R.S.

Buffer area means a strip of land established to separate and protect one (1) type of land use from another, to screen from objectionable noise, odor, smoke or visual impact or to provide for future public improvements or additional developed or natural open space.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building sign means a sign attached to any part of a building, including wall, awning, canopy and projecting signs.

Building wall means a vertical surface of a building or structure, other than a pitched roof, that is integral to and could reasonably be construed as part of the architecture of the building, such as awnings, canopies, marquees, the vertical portion of gable roofs, parapets and mechanical penthouses.

Campground means an area of land on which is located a cabin, tent, travel trailer, motor home or other type of shelter suitable and intended for use in a temporary seasonal manner.

Canopy means a permanently roofed shelter covering a sidewalk, driveway or other similar area, that may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

CDPHE means the Colorado Department of Public Health and Environment.

Changeable copy sign means a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be modified from time to time manually or by electronic, digital or mechanical devices, such as a bulletin board or electronic message board, maintained so that the entire message is shown at once; provided that the sign does not include commercial messages relating to products or services that are not offered on the property.

Channel means a natural or artificial watercourse of perceptible extent with definite bed and banks, which confines and conducts continuously or intermittently flowing water.

Child care center means a facility that is not a residence; is licensed by the State; and is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes pursuant to Section 26-6-102(1)(6), C.R.S.; including facilities commonly known as day

care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children, except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system. The term shall not include any facility licensed as a day care home or any facility which may serve as the primary residence of said children on a twenty-four-hour basis, in which case such a facility shall be regulated as a group home or group living quarters.

Commercial means predominately related to economic interests or commerce, or a transaction for a particular product or service or a group of products or services for profit.

Communication facilities means facilities consisting primarily of communication towers and antennae and appurtenant facilities housing electrical equipment for television, radio and similar broadcasting facilities, but does not include places of business where people work on a regular basis, such as radio or television studios.

Community center means a place, structure, area or other facility used for and providing religious, fraternal, social, civic or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Conditional use means a use which is permitted in a zone district only after approval of the specific use by the Town.

Condominium means a legal form of ownership whereby an owner gains title to an interior air space dwelling or office unit, together with interest in the common areas and facilities appurtenant to such units.

Cul-de-sac means a round turning area located at the end of a local street providing limited access to a limited number of residences.

Day care home means a residence whose occupants are licensed by the State for the daily care of six (6) or fewer children.

Density means the number of dwelling units divided by the total land area including streets, retention areas, parks, open space and public facilities and areas.

Dependent mobile home or camping vehicle means a mobile home or camping vehicle that has no toilet, lavatory or bathing facilities and is dependent upon a service building for toilet, lavatory or bathing facilities.

Detached means any structure having no party wall or common wall with another structure.

Development permit means authorization by the Town to develop or use property in the form of an approved plat, zoning or use permit or other permits for land use or land alteration approved by the Town.

Disturbed area means that area of the land's surface disturbed by any work or activity upon the property by means, including, but not limited to, grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil, but excluding the tillage of land that is zoned for agricultural use.

Domestic animals means dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal which are sold or retained as household pets, but does not include skunks, nonhuman primates and other species of wild, exotic animals.

Domestic partnership means two (2) unmarried persons over the age of eighteen (18) years who are unrelated by blood and who have an exclusive committed relationship, maintain a mutual residence and share basic living expenses.

Double frontage lot means a lot having its front and rear yards each abutting a street.

Driveway means a private vehicular access abutting a public street, for the exclusive use of the owners and occupants of the property and their invitees.

Duplex means a residential building in which two (2) dwelling units with separate ground floor entrances share a common wall which can include the wall of an attached garage or porch.

Dwelling unit means an enclosure of four hundred (400) square feet or more containing sleeping, kitchen and bathroom facilities, designed for and used or held ready for use as a permanent residence by one (1) family.

Election season means the time period that begins fifteen (15) days prior to the mailing of ballots for an election or thirty (30) days prior to an election, whichever is earlier, and ends two (2) days after an election, and, for purposes of this definition, *election* includes any regular or special Town election, county election or state or federal primary or general election.

Encroachment means an unauthorized placement of a building, part of a building, sign, fence, driveway or other structure upon the land or easement of another or into required yards or setbacks.

Equipment storage means the storage of operating equipment, vehicles and materials where these items are an integral part of operating a principal use or may be new or used and sold to the public in operating condition.

Erosion means the detachment and movement of soil or rock fragments by natural forces including water, wind, ice or gravity.

Erosion and sediment control plan means the plan required as part of an application for a grading or land disturbance permit. The plan illustrates grading plans and includes necessary land treatment measures, including construction schedules of treatment installations, which will minimize soil erosion and sedimentation.

Establishment of a sexually oriented business means and includes any of the following:

- a. The opening or commencement of any such business as a new business;
- b. The conversion of an existing business into a sexually oriented business;
- c. The addition of a different sexually oriented business to any other existing sexually oriented business; or

- d. The relocation of a sexually oriented business.

Excavation means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, including the conditions resulting therefrom.

Exotic animal means an animal that is not a household pet or livestock, is wild in nature and may have the ability to inflict bodily harm on humans, including without limitation snakes in excess of four (4) feet in length.

Family means one (1) or more persons living together in a dwelling unit as a single housekeeping unit not including:

a, More than three (3) persons not related by blood, marriage, domestic partnership or adoption; or

b. More than one (1) individual not related by blood, marriage, domestic partnership or adoption who is required to register as a sex offender under Section 18-3-412.5, C.R.S.

Family care home means a facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of sixteen (16) years who is not related to the head of such home and who is licensed pursuant to Section 26-6-102(4), C.R.S. The term includes any family care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency.

Federal Emergency Management Agency (FEMA) means the federal agency responsible for administering the National Flood Insurance Program.

Fence means an artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected to enclose, screen or separate areas.

Final development plan (FDP) means the plan for development of any area zoned PD, which is approved by the Town in accordance with this Chapter.

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision, commercial entity or institution; provided that a commercial entity or institutional flag may only display the name, trademark or logo of the business or institution on the property and no advertising.

Floor area ratio (FAR) means the calculated density of development based on the ratio of gross floor area (GFA) to lot area, generally applied to office, service, retail and industrial buildings.

Front lot line means the property line of a lot dividing the lot from the adjoining street. On a corner lot or double frontage lot, the property owner may elect which street frontage the building shall face; however, the front lot line shall be the shorter of the two (2) frontages.

Front yard means a yard extending the full width of the lot or parcel and abutting the front lot line, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building.

Garage means a detached accessory building or portion of a principal building for the storage of materials for noncommercial purposes or for the parking or temporary storage of automobiles for noncommercial purposes.

Grade means the average of the ground levels at the center of all exterior walls of a building. If earth is to be bermed against the foundation of the structure to a height greater than one (1) foot from the finished grade, then grade is determined from the finished site grade level a minimum distance of ten (10) feet from the foundation wall or from the property line if the property line is closer than ten (10) feet.

Gross floor area (GFA) means the gross area of a nonresidential building measured along the inside walls of the building, including each floor level intended for occupancy or storage, but excluding enclosed parking areas and exterior unenclosed balconies.

Group home means a one-household dwelling or duplex licensed by the State in which unrelated individuals or related and unrelated individuals live, where physical assistance or supervision is provided by resident or nonresident professional support personnel for compensation as a continual benefit, excluding hotels and detention facilities housing juvenile or adult offenders or facilities for treatment of substance abuse problems.

Group living quarters mean a structure, other than a one- or two-household dwelling unit or hotel, designed and licensed by the State for the purpose of housing or special care and housing of unrelated individuals, where centralized provision of meals and services and individual or group sleeping accommodations are included.

Habitable floor means any floor area usable for living purposes, including working, sleeping, eating, cooking or recreation areas or any combination thereof, excluding floor areas used only for storage which are not considered habitable floors.

Halfway house means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hazardous waste means any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Height means a standard of measurement defining the vertical elevation of a structure from grade to the top or highest point of the structure or accessory appurtenance. Excepted appurtenances are chimneys, spires, utility ventilation pipes and lightning rods. For sign purposes, *height* means the vertical distance measured from the site's grade at the middle of the sign, which is the horizontal distance between the two (2) side edges of the sign, to the uppermost point on the sign or the sign structure.

High water mark or line means the mark or line on a watercourse shore established by the scouring of the watercourse along the shore at its normal discharge levels, which is indicated by

physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of the soil and a change from aquatic to terrestrial vegetation. In terms of watercourse discharge, the level attained at a recurrence of two (2) years. This line may or may not coincide with the floodway line as defined by FEMA.

Hospital means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons, excluding clinics, rest homes and convalescent homes.

Hotel means any building arranged, designed and intended as a temporary commercial lodging place for human beings, with or without meals, in which there are four (4) or more guest rooms or suites with toilet facilities.

Household pet means any trained or domesticated animal belonging to a family and kept at its place of residence, including dogs, domestic cats (*Felis catus*), canaries, parrots, hamsters, ferrets, potbellied pigs, guinea pigs and similar rodents, fish, reptiles and rabbits, but not including livestock or exotic animals.

Illuminate means to shine an artificial light either by internal or external means, and includes but is not limited to electronic, digital or neon pan channel lighting.

Instructional sign means a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity, such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

Junk means scrap metal; bones; rags; used cloth, rope, rubber, tinfoil or bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment construction vehicles; used tires' and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Junkyard means a yard or enclosure with or without buildings devoted or used in any manner for the accumulation, sale, storage or display of junk.

Kennel means a commercial operation providing for the care of household pets not primarily related to medical care or engaged in the breeding of animals for sale.

Kiosk means a small structure, typically located within a pedestrian walkway or similar circulation area, intended for use as a small shop or for use as a display space for posters, notices and exhibits.

Land disturbance means an activity involving clearing, excavating, grading, transporting, filling or other activity which causes land to be exposed to erosion.

Large total care facility means a state-licensed residential facility providing medical or nursing care and treatment for four (4) or more persons.

Livestock means animals associated with agricultural use, such as, but not limited to, horses, mules, burros, cows, llamas, sheep, goats, pigs, mink, chinchillas, chickens, ducks, geese, peacocks, turkeys and other fowl or other animals commonly considered as livestock.

Lot means a parcel of land whose boundaries have been established by a recorded plat map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot area means the total area within the boundaries of a lot, excluding areas of public right-of-way or private street or road.

Lot coverage means that portion of a lot covered or permitted to be covered by structures.

Lot width means the horizontal distance between side lot lines, measured at the required front setback line. The front lot line width may not be less than the required lot width of the zone district in which the lot is located.

Lowest floor means the lowest floor of the lowest enclosed area, including the basement of a building. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor.

Major public improvement is defined as a project with significant impact that will be located within public rights-of-way, including streetscapes and interchange designs; buildings on public land or public easements, such as maintenance buildings and parking structures; and park and recreation facility site plans; but excluding repair and maintenance of existing public improvements.

Manager means the Town Manager or designee.

Manufactured home means a single-family dwelling which is partially or entirely manufactured in a factory; is at least twenty-four (24) feet wide and thirty-six (36) feet long; is permanently affixed to and installed on an engineered permanent foundation at the entire perimeter of the dwelling; has a pitched or cosmetically equivalent roof of at least 4:12 pitch, and brick or cosmetically equivalent wood exterior siding; and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended.

Manufacturing means the process, assembly, fabrication, production, construction or other preparation of a raw material product or component part of a product to make, create or process toward or into a finished product.

Marquee means a permanently roofed structure attached to and supported by a building and projecting from the building.

Minor subdivision means the division of a lot or parcel of land into six (6) or fewer lots or condominium units.

Mobile home means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling without permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical

systems contained therein, but excluding factory-built homes, manufactured homes and recreational vehicles.

Mobile home lot or space means a designated portion of a mobile home park designed for the placement of a single mobile home and accessory structures for the exclusive use of the occupants and is exclusive of streets, walks and other common use areas in a mobile home park and exclusive of Town streets, alleys, walks or other public easements and adjacent private properties.

Mobile home park means a plot of land under single or unified ownership where two (2) or more mobile homes are located on pads on lots or spaces for permanent dwelling purposes.

Mobile washing operation means a commercial activity involving power washing, steam cleaning and any other method of mobile cosmetic cleaning of, by way of example, the following: vehicles, fabric, pets or exterior surfaces.

Modular home means a manufactured dwelling unit meeting the building code adopted by the Town that is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Multi-family dwelling means a structure containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Municipal separate storm sewer system (MS4) means publicly owned facilities by which stormwater is collected and conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, and natural and human-made or -altered drainage ditches, channels, lakes, reservoirs and other drainage structures.

Name plate sign means a building sign not exceeding two (2) square feet indicating the street number, the name of the person, business, profession or activity occupying the lot, building or part thereof; or other information pertaining to the use on the lot.

National holiday means any of the following days: New Year's Day; Martin Luther King's Birthday; Presidents' Day; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

Neon sign means a sign that includes visible neon tubing.

New construction means structures for which the start of construction commenced on or after the effective date of this Chapter.

Nonresidential property means any property on which a commercial or industrial use occurs.

Nude model studio means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.

Nudity or state of nudity means the appearance of human bare buttocks, anus, male genitals, female genitals or the areola or nipple of the female breast; or a state of dress which fails to

opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nursing care home means a facility maintained for the purpose of providing skilled nursing care and medical supervision at a level below that of a hospital to not more than nine (9) persons.

Nursing care institution means an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a level below that of a hospital for more than nine (9) persons.

Obstruction means any structure, development, stockpile, refuse or matter in, along, across or projecting into any floodplain which might impede, retard or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water.

Open space means an area of land, an area of water or a combination of land and water within a parcel of land, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the parcel of land or the general public for uses, including but not limited to: open landscaped areas, recreation areas and facilities, plazas, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. Floodways may be used to meet the minimum standards for amount of required open space or usable open space within a particular development, as determined by the Town. The term shall not include space devoted to buildings, public rights-of-way, parking, storage, loading areas, private open space such as individual yards or sidewalks adjacent to paved areas or buildings. *Open space* is further identified by the following type and ownership categories:

a. *Natural open space.* *Natural open space* is defined as undeveloped land that is identified for the protection of habitat for native animals and plants, for limited recreational use and for the preservation of archeological and topographical significance. The three (3) types of natural open space are:

1. *Prairie:* Flat or rolling tracts of land providing habitat vital to a variety of grasses and numerous species of animals.

2. *Aquatic:* Lakes, streams, ponds and wetlands providing habitat for a variety of plants and animals living in water or at the water's edge.

3. *Riparian:* Land occurring along streams or ditches, characterized by a variety of plant life, providing habitat, migratory corridors and nesting and breeding sites for birds and animals.

b. *Developed open space.* *Developed open space* in the Town is developed land that can be used for any or all of the following purposes:

1. *Parks:* Public recreational areas that can include playgrounds, ball fields, rinks, picnic areas and other similar uses.

2. Landscaping around buildings or structures.

3. Trails.

4. Berms: Large or small mounds of earth that may be landscaped to help alleviate visual, sound and air pollution, as well as to create new habitat for birds and animals.

c. *Usable open space*. Within either of the above two (2) categories (Subparagraphs a and b), the term shall generally not include linear areas, such as lot breaks narrower than fifty (50) feet, natural open areas on steep slopes (greater than fifteen percent [15%] slope), man-made drainage facilities and any other area inaccessible or unsafe to the general public.

d. Ownership categories.

1. *Common open space* means an area designed and intended primarily for the use of the lawful owners, residents and occupants of a development project, but not necessarily the general public, which is owned and maintained by an organization established for such purpose.

2. *Public open space* means an area designed and dedicated to the public for use by both the owners within the development and the general public.

3. *Private open space* means landscaping areas, yards and similar areas that are privately owned and where public or common access is denied.

Operator means the individual who has day-to-day supervision and control of activities occurring at the construction site and includes the applicant, the owner, the developer, the general contractor or the agent of one (1) of these parties.

Outdoor storage means the placement for a continuous period of twenty-four (24) hours or more of materials, equipment or commodities outside of a building. Such materials, equipment or commodities shall not include operable vehicles, such as those stored as part of a new or used car lot, or storage lot for recreational vehicles or rental automobiles or a parking terminal.

Pan channel sign means a sign consisting of individual letters, figures or logos, each contained in a metal box with internal neon illumination and a colored, translucent plastic face. The individual letters or figures of the sign are mounted either directly to a building wall and lighted individually or mounted on an electrical raceway and electrified from the raceway.

Parcel means a lot or tract or continuous group or portion of such lots or tracts in single ownership under single control and considered a unit for purposes of development.

Park means any public land which has been designated or used for any park, developed open space or recreational uses or activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball court, tennis court, bike or pedestrian path or similar land use within the Town.

Permanent foundation means an engineered foundation for a structure that meets the building requirements of the Town.

Permitted use means a use which is specifically authorized in a particular zone district, also known as a use-by-right or principal use.

Pet temporary care business means a business licensed by the State as a pet animal boarding or training facility which does not have any more than fifteen (15) household pets at a time.

Place of worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Planned development (PD) means an area of minimum contiguous size as specified in this Chapter, to be planned, developed, operated and maintained as a single entity and usually containing a combination of uses.

Plat means the map showing property and lot boundaries, infrastructure improvements and other information required by this Chapter approved by the Town and thereafter recorded with the Clerk and Recorder of the county in which the property is located.

Plot plan means a plan of a lot and proposed structures to be placed on it to accompany a building permit application.

Pole-mounted facility means any telecommunications facility with antennae that are mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, electric or transmission line support tower or other similar structure.

Pollutant means any sewage, sewage biosolids, garbage, chemical waste, biological material, solid waste, incinerator residue, ash, munitions, radioactive material, heat, rock, sand, cellar dirt and industrial and agricultural wastes discharged into the water.

Pollution means the presence in waters of the State of any substances, contaminants or manmade or man-induced impairment of waters or alteration of the chemical, physical, biological or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life or property, or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation, unless authorized by applicable law.

Portable sign means a sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported on wheels, skids, a bench, runners or brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices can be attached to or support the sign, including inflatable devices and vehicle signs, and also including a sign displaying a commercial message held by, attached to or affixed on an individual who is exhibiting such sign for the predominant purpose of conveying the commercial message on such sign.

Premises means any building, lot, parcel of land or portion of land, whether improved or unimproved, and including adjacent sidewalks and parking strips.

Principal building the building that houses a principal use or uses.

Principal use means the main purpose for which a parcel of land or a structure is used, as distinguished from an accessory use of land or structures. The principal use shall be any use which physically occupies a majority of a lot or a structure; or any use which constitutes a majority of the activity conducted on a lot in relative terms of, for example, sales or rental volume

of materials or services offered; prominence of on-site display or advertisement of materials or services offered; type of materials or services offered; amount of stock or inventory; hours of operation devoted to a particular sales or service activity; occupation of inhabitants or employees; and the purpose of attraction of the occupation.

Private education or instructional facility means a school that is funded primarily with private funds.

Projecting sign means a sign that is attached to a building wall and extends perpendicular to the building wall.

Public right-of-way means any street, right-of-way, place, alley, sidewalk, park, square, plaza or any other similar public property owned or controlled by the Town or any special district and dedicated to public use.

Public right-of-way facility means a sidewalk, curb, street, alley, bike path or other similar public improvement located in a public right-of-way normally used for the travel of pedestrians, motor vehicles, bicycles or like vehicles.

Raceway means the enclosure behind a sign used to contain and protect wires, cables or bus bars.

Rear lot line means the property line of a lot opposite or most parallel to the front lot line.

Rear yard means a yard extending the full width of the lot or parcel abutting the rear lot line, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal building.

Recreational vehicle (RV) means a vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable (as a travel trailer) or carried by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Any such vehicle placed on a site for greater than ninety (90) days, which is skirted, which has the wheels removed or is otherwise permanently affixed to the lot, is treated as a mobile home.

Recycling means the series of activities, including collection, separation and processing, to the maximum extent reasonably possible, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of new products.

Refuse means trash, garbage and recyclable materials.

Residential child care facility means a facility licensed by the State Department of Social Services to provide twenty-four-hour group care and treatment for five (5) or more children operated under private or nonprofit sponsorship.

Residential lot means any lot or parcel on which a residential use occurs.

Restaurant means an establishment where meals are served to patrons for compensation.

Retail or commercial center means a group of three (3) or more freestanding buildings containing commercial uses that developed as a planned unit with common open space and landscape areas.

Roof line means the highest point on any building where an exterior wall encloses usable floor space, including roof areas for housing mechanical equipment, and any parapet wall if the parapet wall extends around the entire perimeter of the building.

Roof-mounted facility means any telecommunications facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features, such as parapets, chimneys, and similar appurtenances.

Roof sign means a sign located on or projecting over the roof or parapet wall of any building, whether the principal support for the sign is on the roof, wall or any other structural element of the building.

Safe house means a communal living facility that serves as a secure shelter for women or men and their children who are victims of physical, emotional or mental abuse.

School means any public or private educational facility, including but not limited to child care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, special education schools, junior colleges and universities.

Sediment means rock, sand, gravel, silt, soil or other material that is transported by, suspended in or deposited by water or wind or is accumulated in beds by other natural agents.

Sediment basin means a barrier or dam built at a suitable location to retain sediments deposited by action of water, wind, ice or gravity or other agents of erosion.

Sedimentation means the process of subsidence and deposition of suspended matter carried by water.

Service station means a building or premises on or in which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing or washing of motor vehicles.

Setback means the horizontal distance between a lot line and the nearest extremity of any building or structure; provided, however, that eaves, awnings and other architectural projections may project no more than thirty (30) inches into the setback space, and fences may project into any setback space a total of two (2) feet.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motion picture theater or nude model studio. The term *sexually oriented business* does not mean or include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the State engages in medically approved and recognized sexual therapy.

Side lot line means any lot property line other than front and rear lot lines.

Side yard means a yard extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot line and the nearest wall of the principal building.

Sign means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of, an announcement, direction or advertisement.

Sign face means the surface of a sign upon, against or through which the message is displayed or illustrated.

Single-family detached residence means a residential building containing one (1) dwelling unit located on a lot containing no other dwelling units.

Single-family dwelling means a dwelling unit for one (1) family that is built on a permanent foundation and is detached from other units.

Site development plan means a detailed site plan which describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Site specific development plan (SSDP) means a detailed site development plan which the applicant has requested be designated as a SSDP for purposes of vesting of property rights and which has been so approved by the Town in accordance with this Chapter.

Small total care facility means a state-licensed residential facility providing medical or nursing care and treatment for not more than three (3) persons.

Special events means circuses, fairs, carnivals, bazaars, festivals or other types of special events that run for not longer than two (2) weeks, are intended to or likely to attract more people, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Storm drainage system means the same as municipal separate storm sewer system (MS4).

Stormwater means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater management plan (SWMP) means a plan required as a condition of the construction stormwater discharge permit issued by CDPHE which identifies potential sources of pollution (including sediment) that may be expected to affect the quality of stormwater discharges associated with construction activity and describes the BMPs and activities to be implemented to eliminate or reduce the pollutants in stormwater discharges associated with construction activity to the maximum extent practicable.

Story means each fifteen (15) feet in height of a building for purposes of measuring window signs, regardless of whether a building is occupied on more than one (1) level.

Street frontage means the linear frontage of a lot abutting a private or public street that provides principal access to or visibility of the premises.

Structure means anything which is built or constructed upon the ground.

Subdivision means the division of a lot or parcel of land into two (2) or more lots or other divisions of land.

Subdivision sign means a sign located on land where subdivision or development is taking place, if the sign is limited to identifying the project, the parties involved in the project or providing marketing and sales information related to the project.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. A *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other part of the structure commences, whether or not that alteration affects the external dimensions of the structure or any act that requires a building permit. The term does not, however, include any project for improvement of a structure to comply with state, county or Town health, sanitary or safety code specifications which are solely necessary to assure safe conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Support facilities means support buildings, structures or equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

Telecommunications facility means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts pedestals, antennae, towers, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

Telecommunications service means the providing or offering for rent, sale or lease or in exchange for other value received, or for the provision of any emergency telecommunications purposes, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Temporary sign means a sign, banner or similar device or display that is intended for a temporary period of display. A temporary sign does not include a sign display area that is permanent but the message displayed is subject to periodic changes.

Tie-down means any device designed for the purpose of anchoring a mobile home to the ground.

Tower means any freestanding structure designed and constructed primarily for the purpose of supporting one (1) or more antennae, including self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and other similar structures. The term also includes any antenna or antenna array attached to the tower structure.

Travel trailer means a portable structure, mounted on wheels and designed to be towed by a motor vehicle, and containing cooking, sleeping or bathroom facilities to provide temporary living quarters for recreational or travel use.

Utility means every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewage, pipeline, transportation and cellular telephone system services, whether or not regulated by the Colorado Public Utilities Commission.

Vehicle sign means a sign displayed on a motor vehicle as moving vans, delivery trucks, rental trucks and the like, and trailers, whether or not attached to a motor vehicle, but not including motor vehicles or trailers used for commercial transit and licensed by the Public Utilities Commission of the State, such as taxis and buses.

Veterinary clinic includes kennels for animals cared for by the clinic.

Wall-mounted facility means any telecommunications facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, chimneys and similar appurtenances.

Wall sign means a building sign that is attached parallel to the wall of a building.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Window sign means a sign that is painted on, attached to or located within three (3) feet of the interior of a window and that can be seen through the window from the exterior of the structure.

Yard means an open land area on a lot, unoccupied and unobstructed from the ground upward and not completely surrounded by the principal building. (Ord. O-10 §1, 2010; Ord. O-1 §1, 2013)

ARTICLE II

General Development Review

Sec. 16-2-10. Process.

(a) The following general development review process establishes the procedures for reviewing all development and permit applications submitted to the Town. The core application review process consists of three (3) steps, and all applications shall be subject to one (1), two (2) or all three (3) of these steps depending on the specific type of application processed:

- (1) Step 1: Preapplication Conference/ Staff Review.
- (2) Step 2: Planning Commission Review.

(3) Step 3: Board of Trustees Review.

(b) The following Land Use Approval List charts the steps for specific applications. For purposes of this chart, *Review and Comment* means that the appropriate staff or body reviews the submittal and provides written comments to the applicant and the body considering the submittal at the next step; and *Decision* means the step at which the final decision of the Town is made. The chart also designates at which parts of the process a public hearing, rather than a public meeting, is required. When the Planning Commission is responsible for Review and Comment, the Planning Commission's written comments shall be adopted by resolution approved by a majority of those Planning Commissioners present at the meeting at which the application is heard. The resolution of the Planning Commission will identify the number of "yes" and "no" votes.

Land Use Approval List

	<i>Step One: Staff</i>	<i>Step Two: Planning Commission</i>	<i>Step Three: Board of Trustees</i>
Zoning and Use Permits			
Preapplication	R & C	—	—
Rezoning (Zoning Amendment)	R & C	R & C (hearing)	D (hearing)
Special Use Permit	R & C	R & C (hearing)	D (hearing)
Conditional Use Permit	R & C	D (hearing)	—
Temporary Use Permit	D	—	—
Sign Permit	D	—	—
Major Subdivision			
Preapplication	R & C	—	—
Preliminary Plat	R & C	R & C (hearing)	D (hearing)
Final Plat	R & C	R & C (hearing)	D (hearing)
Minor Subdivision			
Preapplication	R & C	—	—
Final Plat	R & C	R & C (hearing)	D (hearing)
Preapplication	R & C	—	—
Site Development Plan	R & C	R & C (hearing)	D (hearing)
Site Specific Development Plan	R & C	R & C (hearing)	D (hearing)
SDP Amendment – Minor	D	—	—
SDP Amendment – Major	R & C	R & C (hearing)	D (hearing)
Planned Development			
Preapplication	R & C	—	—
PD Plan (Zoning)	R & C	R & C (hearing)	D (hearing)
Final Development Plan	R & C	R & C (hearing)	D (hearing)
FDP Amendment – Minor	D	—	—

FDP Amendment – Major	R & C	R & C (hearing)	D (hearing)
PD Amendment	R & C	R & C (hearing)	D (hearing)
Miscellaneous			
Lot Line Adjustment	D	—	—
Subdivision Exemption	D	—	—
Comprehensive Plan Amendment	R & C	R & C (hearing)	D (hearing)
Annexation	R & C	R & C	D (hearing)
Street/Alley Vacation	R & C	R & C	D (hearing)
Land Disturbance Permit	D	—	—
Building Permit	D	—	—
Major Public Improvement	R & C	R & C (hearing)	D (hearing)
Historic Designation	R & C	R & C	D
Board of Adjustment			
Variance	R & C	—	D (hearing)
Appeal	R & C	—	D (hearing)

R & C = Review and Comment

D = Decision (process steps)

— = No action

(Ord. O-10 §1, 2010)

Sec. 16-2-20. Neighborhood meeting.

To facilitate citizen participation early in the development review process, the applicant or staff may request informal meetings between citizens, applicants and Town staff to address neighborhood impacts. (Ord. O-10 §1, 2010)

Sec. 16-2-30. Administrative approval process.

For applications subject to administrative approval, the Manager shall review all documents submitted and check compliance with this Chapter. The Manager shall prepare a staff report documenting the reasons for administrative approval or denial of the application. (Ord. O-10 §1, 2010)

Sec. 16-2-40. Application procedures.

(a) Preapplication conference. To minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with this Chapter, a preapplication conference between the applicant and the Manager is required for all applications. This conference is for information-sharing purposes only, and applicants should not assume that the issues identified at this conference will be the only issues to surface during the course of the review process. The Town reserves the right to address any relevant issues up to the final decision.

(b) Agency review. Upon receipt of the complete submittal, the Manager shall promptly distribute copies to the following agencies as determined necessary by the Manager:

- (1) Boulder Valley School District.
- (2) Any utility, special district or ditch company as necessary.
- (3) The Urban Drainage and Flood Control District.
- (4) The Rocky Mountain Metropolitan Airport.

(5) The State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence.

(6) The Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.

(7) Boulder County Land Use or Jefferson County Land Use.

(8) The Rocky Mountain Fire District.

(9) The Colorado Department of Transportation (CDOT).

(10) Colorado Division of Wildlife.

(11) Other applicable reviewing agencies as determined by the Manager.

(d) Agency comments. The failure of any agency to respond within the time established by the Manager for the purpose of the hearing on the plan shall be deemed an approval of such plan.

(e) Complete applications. Upon receipt of a complete application, the Manager shall place the application on the agenda of the appropriate reviewing body. An application that is incomplete shall not be processed further.

(f) Administrative report. All applications shall be accompanied by a report from the Manager setting forth the results of staff and agency review of the application, including proposed findings concerning the application's compliance with this Chapter and any staff recommendations for additional requirements to be imposed by the Town. (Ord. O-10 §1, 2010)

Sec. 16-2-50. Standard submittal requirements.

All applicants shall comply with the standard submittal requirements established by the Town in the Superior Development Application Standards. (Ord. O-10 §1, 2010)

Sec. 16-2-60. Notice of public hearing.

- (a) Publication.

(1) The Town shall provide notice by publishing a notice one (1) time in a newspaper having general circulation in the area not less than seven (7) nor more than thirty (30) days prior to the hearing; and

(2) The Town shall provide notice by publishing a notice on the Town's website not less than seven (7) nor more than thirty (30) days prior to the hearing, provided that the failure to publish such notice due to technical difficulties shall not invalidate the public hearing or any action taken at the public hearing.

(3) The notice by publication shall state the date, time and place of the hearing, reasonably identify the property that is the subject of the proposed action, and give a brief description of the proposed action. Proof of publication shall be made part of the record at the time of the public hearing.

(b) Mail.

(1) The Town shall provide written notice by first-class United States mail not later than fifteen (15) days prior to the hearing to those owners of any real property located within one thousand (1,000) feet of the property that is the subject of the application or appeal, provided that the minimum number of property owners notified shall be the owners of the fifty (50) closest properties to the subject property. The source of such list shall be the records of the Boulder or Jefferson County Assessor.

(2) The Town shall provide written notice by electronic mail (e-mail) not later than fifteen (15) days prior to the hearing to those Town residents who have signed up to receive such e-mail notices, provided that the failure of any resident to receive such notice for any reason, including technical difficulties or errors by the Town, shall not invalidate the public hearing or any action taken at the public hearing.

(3) The mailed notice shall state the date, time and place of the hearing, reasonably identify the property that is the subject of the proposed action and give a brief description of the proposed action.

(c) Posting.

(1) If notice by posting is required, the applicant shall accomplish such notice by prominently posting one (1) sign within two (2) feet of the property line on each public street frontage on the property that is the subject of the proposed action. Such sign shall be posted not less than ten (10) days prior to the hearing, shall be easily legible from the nearest public street and shall be in substantially the following format:

**NOTICE OF PUBLIC HEARING
BEFORE THE (PLANNING
COMMISSION OR TOWN BOARD
OF TRUSTEES)**

Notice is hereby given that the property upon which this sign is posted will be considered for (nature of request) under the Superior Municipal Code. For further information contact the Town of Superior at (303) 499-3675. The public hearing will be held on (date), at the Superior Town Hall at (time).

Name of Proposal: _____

Case Number: _____

Date of Posting: _____

(2) Prior to the hearing, the applicant shall provide an affidavit showing the property was posted in compliance with this Section.

(3) The posted sign shall be removed by the applicant within fourteen (14) days following the final decision.

(d) The following chart indicates which type of notice is required for various land use applications:

Notice Requirements

	<i>Publication</i>	<i>Mail</i>	<i>Posting</i>
Rezoning (Zoning Amendment)	Yes	Yes	Yes
Special Use Permit	Yes	No	Yes
Conditional Use Permit	Yes	No	Yes
Temporary Use – Administrative Review	No	No	Yes
Temporary Use – PC Review	Yes	Yes	Yes
Preliminary Plat	Yes	No	Yes
Minor Subdivision – Final Plat	Yes	No	Yes
Site Development Plan (SDP)	Yes	Yes	Yes
Site Specific Development Plan	Yes	Yes	Yes
SDP Amendment – Major	Yes	Yes	Yes
PD Plan (Zoning)	Yes	Yes	Yes
Final Development Plan	Yes	Yes	Yes
FDP Amendment – Major	Yes	Yes	Yes
PD Plan (Zoning) Amendment	Yes	Yes	Yes
Comprehensive Plan Amendment	Yes	No	No
Annexation	Per Municipal Annexation Act		
Street Vacation	Yes	Yes	Yes
Major Public Improvement	Yes	No	No
Variance	Yes	Yes	Yes

(Ord. O-10 §1, 2010)

Sec. 16-2-70. Recording.

Following any land use approval that requires recording, the Town Clerk shall record the original documents in the office of the Clerk and Recorder of Boulder or Jefferson County, as appropriate.

Recording fees shall be paid by the applicant. Failure to pay recording fees by the deadline set by the Manager shall result in the application being considered withdrawn by the applicant and the approval rescinded. (Ord. O-10 §1, 2010)

Sec. 16-2-80. Concept plan presentation.

(a) After the preapplication staff conference for a major subdivision, a minor subdivision, a site development plan or a planned development (including a PD Plan, an FDP or a major amendment thereto), the applicant, at the applicant's discretion, may present its concept plan to the Board of Trustees.

(b) The presentation is intended to minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with this Chapter. The presentation is for information-sharing purposes only; applicants should not assume that the issues identified at this presentation will be the only issues to surface during the course of the review process. The Town reserves the right to address any relevant issues up to the final decision by the Town.

(c) Nothing in the presentation, including statements of any individual Town staff member or Town official, shall bind the Town, be construed as a final decision of the Town or limit the requirements or items reviewed by the Planning Commission, Board of Trustees or Board of Adjustment prior to final decision. The voluntary submission and presentation of a concept plan shall constitute a complete waiver of any and all legal claims that are based on, or arise from, Planning Commission or Board of Trustees review of, or comment upon, such concept plan.

(d) The applicant shall provide all materials relevant to its concept plan presentation to the Town at least ten (10) days before the presentation.

(e) Notice of the presentation by publication pursuant to Subsection 16-2-60(a) shall be given at least seven (7) days prior to the presentation. (Ord. O-10 §1, 2010)

Sec. 16-2-90. Modifications of approved permits and plans and patio dining requirements.

(a) The Manager may approve minor deviations from approved permits and development plans issued by the Board of Trustees, Planning Commission or Manager. The Manager shall notify the Board of Trustees of approved minor deviations. A deviation is not minor if it:

- (1) Changes the character of the development;
- (2) Increases the ratio of gross floor area to site area by more than five percent (5%);
- (3) Increases the density of residential uses by more than five percent (5%);
- (4) Increases the external effects or impacts on adjacent properties by more than ten percent (10%);
- (5) Reduces the approved setbacks or building separations from perimeter property lines by more than ten percent (10%);
- (6) Increases the ground coverage of the nonresidential structures by more than five thousand (5,000) square feet or five percent (5%), whichever is less;

- (7) Reduces the parking ratio by more than ten percent (10%);
 - (8) Significantly alters the drainage plan, as determined by the Town Engineer;
 - (9) Increases the height of a structure by more than ten percent (10%) or increases the height of a structure to exceed the maximum height set by the approved permit or development plan;
 - (10) Reduces the open space by more than five percent (5%);
 - (11) Changes approved land uses assigned to a specific planning area or subarea in an SDP or FDP;
 - (12) Relocates or changes in size by ten percent (10%) of any public facility plan area for schools, public safety or utility service;
 - (13) Changes required pavement widths by more than ten percent (10%);or
 - (14) Changes access from and through existing public rights-of-way (including changes to the circulation alignment resulting in changes to arterials not in compliance with the original SDP or FDP or to the Comprehensive Plan, as well as changes in the type of intersections).
- (b) The Manager may grant an amendment to a site development plan or final development plan for a restaurant outdoor patio for an area that meets the following requirements.
- (1) The patio area shall be located on property owned or leased by the restaurant owner, or wholly or partially on public property or sidewalks, as approved by the Town.
 - (2) The patio area shall have pedestrian access directly from the restaurant or from a location that is in close proximity to the primary entrance of the restaurant.
 - (3) The patio area shall be separated from any adjacent public walkways or sidewalks by means of a railing or other structure that is in conformance with approved plans for the property and this Code. Any such railing shall be as nearly compatible in color, design and type of material with any existing railings or architectural features of the building housing the restaurant. A minimum of four (4) feet of width of any public walkway or sidewalk adjacent to the patio area shall remain clear of any obstruction, including but not limited to bumpers of parked cars and parked bicycles, for pedestrian traffic.
 - (4) The application shall include:
 - a. Evidence of the applicant's right to operate a restaurant outdoor patio as proposed; and
 - b. A site plan showing the seating area, maximum number of seats, aisles, ingress and egress locations, location and type of railings and lighting, and, to the extent necessary, structural drawings for railings and any other structures.
- (c) All other requests for changes in approved permits and plans shall be processed as formal amendments. If such requests are required to be acted upon by the Planning Commission or the Board of Trustees, new conditions may be imposed. (Ord. O-10 §1, 2010)

Sec. 16-2-100. Appeals.

(a) Any aggrieved person may appeal a decision of the Manager to the Board of Adjustment or of the Planning Commission to the Board of Trustees by filing with the Town Clerk a written notice of appeal specifying the reasons for the appeal and the appropriate fee within ten (10) days after the date of the decision appealed from.

(b) When an appeal is filed, the Town Clerk shall forthwith transmit to the Board of Adjustment or Board of Trustees, as applicable, all records relating to the action appealed from.

(c) An appeal stays all actions by the Manager or the Planning Commission seeking enforcement of or compliance with the order or decision appealed from, unless the Manager certifies to the Board of Adjustment or Board of Trustees, as applicable, the belief that, due to the facts contained in the certification, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the reviewing board.

(d) The reviewing board by a concurring vote of at least four (4) members may reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. The reviewing board shall have all the powers of the officer from whom the appeal is taken. (Ord. O-10 §1, 2010)

Sec. 16-2-110. Variances.

(a) Procedure.

(1) An application for a variance shall be submitted to the Board of Adjustment by filing an application with the Manager.

(2) The Board of Adjustment, before deciding requests for variances, shall hold a public hearing.

(3) Notice shall be provided by publication, mailing and posting as set forth in Section 16-2-60.

(b) Submittal requirements. The following shall be submitted with a variance application:

(1) The name, address and phone number of the applicant on a completed application form supplied by the Town.

(2) Proof of ownership in the form of a title policy or title commitment, including a schedule of exceptions to title, dated within sixty (60) days of the application, showing fee title ownership of all subject property to verify that the applicant has the right to seek the variance over all the property.

(3) Certified boundary survey, monumented with legal descriptions of the subject property and all existing and planned encroachments, if the variance involves building encroachments.

(4) A written discussion explaining the hardship for which relief is being sought and the site features of the property, with a plot plan showing existing buildings and improvements, as applicable.

(c) Criteria. A variance may be granted by the Board of Adjustment by a concurring vote of at least four (4) members if it finds that:

(1) If the applicant complies strictly with this Chapter, there is no reasonable use of the property;

(2) The hardship or poor land use of which the applicant complains is one suffered by the applicant alone and not by neighbors or the general public;

(3) The hardship claimed relates to the applicant's land, rather than personal circumstances;

(4) The hardship is unique and unusual or nearly so, rather than one shared by many surrounding properties;

(5) The hardship is not the result of the applicant's own actions;

(6) The variance requested is the minimum that will afford relief and the least possible modification of the requirements of this Chapter; and

(7) The variance will neither result in the extension of a nonconforming situation, authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.

(d) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

(e) A variance may be issued for an indefinite duration or for a specified duration. (Ord. O-10 §1, 2010)

ARTICLE III

Nonconforming Situations

Sec. 16-3-10. Undeveloped nonconforming lots.

(a) When a nonconforming lot that was in conformity with this Chapter at the time the lot was created can be used in conformity with all of the regulations applicable to the intended use, except for the required lot minimums set forth in this Chapter, then the lot may be used as proposed. However, no use requiring a lot size greater than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(b) When the use proposed for a nonconforming lot is one that is conforming in all respects but the applicable setback requirements, the Manager may allow deviations from the applicable setback requirements if the Manager finds that:

(1) The property cannot reasonably be developed for any use-by-right of the zoning district without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(c) Adjacent nonconforming lots under the same ownership at the date they became nonconforming may not utilize this Section, nor may the successors in interest of these lots. The intent of this Section is to require undeveloped nonconforming lots to be combined with adjacent like lots to create conforming lots. (Ord. O-10 §1, 2010)

Sec. 16-3-20. Repair, maintenance and reconstruction.

(a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation (work estimated to cost more than fifty percent [50%] of the appraised value of the structure to be renovated) may be done only to a conforming use or structure and in accordance with a permit issued pursuant to this Chapter.

(b) If a legal nonconforming structure is damaged to an extent that the costs of repair or replacement would exceed fifty percent (50%) of the appraised value of the damaged structure, then the damaged structure may be repaired or replaced only to a conforming structure or use and in accordance with a zoning permit issued pursuant to this Section.

(c) A legal nonconforming mobile home may be replaced by another mobile home that will fit on the existing pad and that is certified by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended, without complying with Subsections (a) and (b) above or Paragraphs (1) through (3) of Section 16-29-10 of this Chapter. All such mobile home replacements shall require a building permit and shall comply with Paragraphs (4) and (5) of Section 16-29-10. The mobile home that was replaced shall be removed from the Town within thirty (30) days of replacement.

(d) For purposes of Subsections (a) and (b) above:

(1) The *cost of renovation, repair or replacement* means the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement, as reflected in the plans submitted for a building permit, or other materials supplied by the applicant, and includes the total cost of all such intended work, and no person may seek to avoid the intent of Subsections (a) or (b) above by doing such work incrementally.

(2) The *appraised value* means either the appraised market value for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the fair market value determined by a professionally recognized real estate appraiser. (Ord. O-10 §1, 2010; Ord. O-5 §1, 2011)

Sec. 16-3-30. Change in use.

A change in use in a nonconforming situation may only be made to a conforming situation. (Ord. O-10 §1, 2010)

Sec. 16-3-40. Discontinuation and termination.

When a nonconforming use or structure is discontinued or abandoned for one (1) year or more, the right to continue the nonconformance automatically terminates. (Ord. O-10 §1, 2010)

ARTICLE IV

Enforcement

Sec. 16-4-10. Persons liable.

The owner, tenant or occupant of any building or land or part thereof, as well as any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to this Chapter, may be held responsible for any violation of this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-4-20. Procedure.

(a) Violations of this Chapter may be enforced in the Municipal Court or any other court with jurisdiction, by equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued, and by assessing any amounts due or delinquent fines as taxes. Any one (1), all or any combination of the foregoing penalties and remedies may be used to enforce this Chapter, and none shall be a condition precedent for the use of another.

(b) If the Manager determines that any violation of this Chapter poses an immediate danger to the public health, safety, peace, morals or decency, the Manager may cause the violation to be abated as soon as possible. If the Manager determines that a violation of this Chapter does not pose immediate danger to the public health, safety, peace, morals or decency, the Manager may serve written notice by certified mail to the last known address of the property owner ordering that said violation be abated within ten (10) days or that the violation will be abated by the Town. If such violation is not removed within such ten (10) days, the Manager may cause the violation to be abated. In addition, to the remedies set forth in this Article, the Manager may also:

- (1) Refuse to issue any building permit or certificate of occupancy for the property or development in violation of this Chapter;
- (2) Revoke any building permit previously issued under which construction directly related to such building permit has not commenced on a property in violation of this Chapter; and
- (3) Issue a stop work order for any construction related to or impacted by the violation of this Chapter.

(c) Costs associated with the abatement shall be charged to the property owner and any other person responsible for the violation. The chargeable costs shall include all direct and indirect costs of such abatement, plus the costs of collection and interest at the rate of one percent (1%) per month. The invoice shall be mailed to the last known address of said property owner by certified mail and shall be payable within thirty (30) days from the date thereof. If such costs are not paid within thirty

(30) days, they may be made a lien on the property and certified to the County Treasurer as a first and prior lien and collected with other taxes on the property. (Ord. O-10 §1, 2010)

Sec. 16-4-30. Violation and penalties.

(a) It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be punishable by a fine of up to four hundred ninety-nine dollars (\$499.00).

(b) Any agreement to sell or transfer lots in a subdivision before the final plat is approved by the Town shall constitute a separate violation for each lot sold or agreed to be sold.

(c) Each day that any violation continues shall be considered a separate offense. (Ord. O-10 §1, 2010)

Sec. 16-4-40. Revocation of land use approvals and permits.

(a) Any permit or approval granted under this Chapter may be revoked if the permittee fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Chapter or any additional requirements imposed by the Town, or if the information on which the permit approval was based is found to be false or inaccurate.

(b) Before a conditional use or special use is revoked, a public hearing shall be held. Notice shall be mailed to the permit recipient and inform the permit recipient of the alleged grounds for the revocation. Revocation of a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the revocation.

(c) Before any other land use approval is revoked, the Manager shall give the permit recipient ten (10) days' notice, including the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the approval is revoked, the Manager shall provide to the permittee a written statement of the decision and the reasons for the decision.

(d) If the applicant does not submit all of the required documents and fees for recording and finalizing any approval of a sign, special use, conditional use or other land use permit or approval to the Town Clerk within sixty (60) days of approval by the Board of Trustees, the land use approval shall be deemed void and of no effect. (Ord. O-10 §1, 2010)

Sec. 16-4-50. Judicial review.

Every final decision of the Board of Trustees, Planning Commission or Board of Adjustment granting or denying an application shall be subject to review by the District Court of the county in which the property is located. (Ord. O-10 §1, 2010)

ARTICLE V

Annexation

Sec. 16-5-10. General.

Annexations to the Town shall comply with the requirements of the Municipal Annexation Act of 1965, Section 31-12-101, et seq., C.R.S., as amended, and any supplemental requirements set forth in this Article. (Ord. O-10 §1, 2010)

Sec. 16-5-20. Planning Commission review.

The Planning Commission shall review and comment on the proposed annexation for consistency with the Comprehensive Plan and provide a recommendation to the Board of Trustees. (Ord. O-10 §1, 2010)

Sec. 16-5-30. Submittal requirements.

A petition for annexation shall include all documents required by the Municipal Annexation Act of 1965, the standard submittal requirements set forth in the Superior Development Application Standards and the following:

- (1) Appropriate fee;
- (2) Evidence that the property can be served by public sewer, water and storm drainage services;
- (3) Proposed zoning;
- (4) A draft annexation agreement;
- (5) Water rights conveyance agreement or cash-in-lieu; and
- (6) Any other information deemed necessary by the Manager. (Ord. O-10 §1, 2010)

Sec. 16-5-40. Required dedications.

(a) The petitioners shall dedicate or agree to dedicate sufficient land and rights-of-way to the Town for public streets and alleys as set forth in the standards and specifications of the Town and the Comprehensive Plan.

(b) The petitioners shall dedicate or agree to dedicate sufficient and unobstructed rights-of-way for utility easements and storm drainage to serve the proposed development. The petitioners shall also agree to pay utility or system development fees and tap fees as developed by the Town or appropriate special districts.

(c) The petitioners shall dedicate or agree to dedicate to the Town or pay cash-in-lieu at the time of platting, land to be used for public purposes.

(d) The petitioners shall assign to the Town all rights, title and interest in any water rights associated with the property and in all water located beneath the property to be annexed or pay cash-in-lieu for such water rights at the time of platting.

(e) The petitioners shall be required to construct all roads, utilities and other improvements at their sole expense and according to the requirements, standards and specifications of the Town. Connection of such improvements to existing Town systems or the dedication of such improvements to the Town shall be at the Town's convenience. (Ord. O-10 §1, 2010)

ARTICLE VI

Zone Districts

Sec. 16-6-10. Zoning map.

The Zoning Map shall show the boundaries of all zone districts within the Town's planning jurisdiction, and a copy shall be available at Town Hall for inspection and reproduction. (Ord. O-10 §1, 2010)

Sec. 16-6-20. Interpretation of Zoning Map.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, Town limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as following such shorelines;

(4) Where a zone district boundary divides a lot or where distances are not specifically indicated on the Zoning Map, the boundary shall be determined by measurement, using the scale of the Zoning Map; and

(5) Where any street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment. (Ord. O-10 §1, 2010)

Sec. 16-6-30. Amendments to Zoning Map.

(a) Amendments to the Zoning Map are accomplished using the procedures that apply to other amendments to this Chapter, as set forth in Section 16-7-20.

(b) The Manager shall update the Zoning Map as soon as possible after amendments to it are adopted by the Town. (Ord. O-10 §1, 2010)

Sec. 16-6-40. Residential districts.

The following residential districts are hereby established:

(1) The R-E, Estate Residential District. The R-E District is intended to accommodate very low density single-family residential uses and country estates on large lots that can possibly accommodate livestock at specified density limits.

(2) The R-VL, Very Low Density Residential District. The R-VL District is intended to accommodate single-family residential development in areas served by public water or sewer facilities at very low densities.

(3) The R-L, Low Density Residential District. The R-L District is intended to accommodate single-family, two-family and three-family residences at low densities in areas served by public water and sewer facilities.

(4) The R-M, Medium Density Residential District. The R-M District is intended to accommodate single-family detached, two-family and multi-family dwelling units.

(5) The R-MH, Mobile Home Residential District. The R-MH District is intended to provide a residential zone for mobile home parks.

(6) The M-U, Mixed Use District. The M-U District is intended to provide for residential, retail and office uses within a planned area, including multi-family or single-family uses in close proximity to retail or office uses, and to promote compact development, pedestrian circulation and integration, efficient vehicular access to centralized parking and pedestrian scale development.

(7) The RCS, Residential Character Streets District. The RCS District is established to provide an alternative for nonresidential land uses to be developed in the Original Superior residential area of the Town. The District's standards and requirements for new development emphasize impact mitigation and design compatibility with the existing residential uses. (Ord. O-10 §1, 2010)

Sec. 16-6-50. Commercial districts.

The following commercial districts are hereby established:

(1) The B-R, Regional Business District. The B-R District is intended to accommodate the widest range of commercial activities, including uses such as regional shopping centers that require a large population base, near major arterials allowing high visibility, easy access and the avoidance of residential traffic conflicts.

(2) The B-C, Community Business District. The B-C District is intended to accommodate commercial development on a scale that is less intensive than that permitted in a B-R District, including retail sales and personal services.

(3) The B-O, Office Business District. The B-O District is intended to accommodate professional and financial services, research and development and corporate offices.

(4) The M-U, Mixed Use District. The M-U District is intended to accommodate a variety of land uses, including residential, commercial, office and open space, in arrangements that integrate these uses through unique land area allocations of the uses, or where the uses may be integrated with each other within individual structures. (Ord. O-10 §1, 2010)

Sec. 16-6-60. Industrial districts.

The following industrial districts are hereby established. Both the I-L and the I-H Districts are intended to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning or assembling of goods, merchandise or equipment, at differing intensities:

(1) The I-L, Light Industry District.

(2) The I-H, Heavy Industry District. (Ord. O-10 §1, 2010)

Sec. 16-6-70. Planned Development District.

Planned Development Districts are subject to the requirements set forth in Article X of this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-6-80. Agricultural District.

The A-UR, Agricultural Urban Reserve District, is hereby established. The A-UR District is intended to designate rural areas with future urban growth potential. (Ord. O-10 §1, 2010)

Sec. 16-6-90. Open Space and Recreational District.

The OS-R, Open Space and Recreation District, is hereby established. The OS-R District is intended to preserve the environment and natural character of the landscape within the district. (Ord. O-10 §1, 2010)

Sec. 16-6-100. Open Space and Natural Uses District.

The OS-N, Open Space and Natural Uses District, is hereby established. The OS-N District is intended to preserve the open space and undeveloped character of those properties within the district. (Ord. O-10 §1, 2010)

Sec. 16-6-110. Special overlay districts.

The O-FP, Overlay Floodplain Management District is hereby established. The O-FP District is an overlay district, meaning that this district and its requirements are overlaid on those of the underlying districts. Land included in an overlay district may be used in a manner permitted in the underlying district only if and to the extent that such use is also permitted in the applicable overlay district. (Ord. O-10 §1, 2010)

Sec. 16-6-120. Schedules of uses and requirements.

(a) To facilitate public understanding of this Chapter and for convenient reference and use, the following Schedule of Uses is provided for the residential, commercial and industrial districts.

(b) The Schedule of Uses indicates by zone district those uses that are permitted by right, permitted by conditional or special review or prohibited. Any use that is not specifically permitted shall be deemed to be prohibited. If a question arises as to whether a specific use does or does not fall within the expressed use categories, application may be made to the Planning Commission for a determination as to whether a specific use is permitted.

**Schedule of Uses
Residential Districts**

<i>Use</i>	<i>R-E</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>
Single-family dwellings (including modular or manufactured homes on permanent foundations)	P	P	P'	P	C
Mobile homes (no permanent foundation)	X	X	X	X	P
Two-family dwellings	X	X	X	P	C
Multiple-family dwellings, apartments, townhouses, not exceeding 6 units/lot	X	X	X	P	S
Multiple-family dwellings, in excess of 6 units/lot	X	X	X	S	X
Recreation vehicles (used as living quarters)	X	X	X	X	X
Park and recreation areas and facilities	P	P	P	P	P
Public schools	X	X	P	P	P
Fire stations	S	S	S	C	C
Places of worship	S	S	S	C	C
Community centers	S	S	S	C	C
Golf courses (pro-shop and restaurant/dining room)	P	P	P	P	P
Governmental uses	S	S	S	S	S
Neighborhood convenience stores	X	X	X	X	X
Private education or instructional facilities	S	S	C	C	S
Family care homes	P	P	P	P	P
Child care centers	X	X	X	S	S
Small total care	S	S	S	S	S
Large total care	X	X	X	S	X
Day care homes	P	P	P	P	P
Safe houses	P	P	P	P	P
Home occupations	P	P	P	P	P
Bed & breakfast establishments	X	X	X	S	X
Telecommunications facilities	X	X	X	X	X

**Schedule of Uses
Residential Districts (Cont'd)**

<i>Use</i>	<i>R-E</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>
Utilities	P	P	P	P	P
Livestock ¹	X	X	X	X	X
Household pets	P	P	P	P	P
Halfway houses	X	X	X	X	X
Pet temporary care facilities	X	X	X	X	X
Sexually oriented businesses	X	X	X	X	X

P = Permitted use

C = Permitted by conditional use review

S = Permitted by special use review

X = Prohibited

Notes:

1. The livestock prohibition in residential districts is subject to the exception in Section 7-2-90, which allows 6) chicken hens and 1 goat under specific conditions.

**Schedule of Uses
RCS District**

Permitted uses:

1. Single-family detached or single-family attached residential conforming with the residential uses allowed in the R-L and R-M Zone Districts.
2. Personal service/professional office uses, such as law offices, doctors' offices, insurance offices, real estate offices, banks, government offices subject to the Schedule of Requirements for R-M Zone Districts.
3. Above uses are subject to Section 16-20-70.

Uses allowed by special use permit:

1. Multi-family uses as allowed in the R-M Zone District with a maximum of 3 units per lot.
2. Any allowed use operating beyond the hours of 8:00 a.m. – 9:00 p.m., Monday through Saturday.
3. Any drive-up or drive-through services.
4. Any site used for off-site parking.
5. Any public or private outdoor recreation facility.
6. Any use allowed above that generates over 100 vehicular trips per day to and from the site.
7. Any site lighting in addition to that allowed in the Design Parameters.
8. Monument signs.
9. Alley access to and from nonresidential uses.
10. Fences other than along the rear property line.

Schedule of Uses
Commercial and Mixed Use Districts (See Note 1)

<i>Use</i>	<i>B-C Community</i>	<i>B-R Regional</i>	<i>B-O Office Park</i>	<i>M-U Mixed Use</i>
Retail businesses	P	P	C	P
Wholesale businesses	X	C	X	S
Automobile sales and services	X	P	X	X
Gas stations	S	C	X	X
Parking lots/structures	S	P	S	P
Fast-food and drive-in restaurants	X	C	X	S
Restaurants	C	P	X	P
Public and commercial recreation facilities, including pool halls, bowling alleys, clubs, theaters, skating rinks, recreation centers	C	S	X	S
Professional and business offices	P	P	P	P
Hotels	X	P	X	P
Dental or medical clinics	P	P	P	P
Places of worship	C	S	C	S
Public schools	X	S	C	C
Private education or instructional facilities	X	C	C	C
Transportation facilities, terminals	X	S	X	S
Public and government facilities	C	C	P	P
Apartments in conjunction with a business	X	S	S	P
Community centers	C	S	X	C
Banking, savings and loans with drive-up window	C	C	S	C
Utilities	P	P	P	P
Telecommunications facilities	S	S	S	S
Multiple-family dwellings	X	S	S	C
Mobile home sales	X	S	X	X
Extractions, processing and transportation of natural resource materials	X	S	X	X
Park and recreation areas	P	P	P	P
Pet temporary care businesses	X	X	X	X
Veterinary clinics	X	P	C	S
Child care centers	C	P	C	P
Lumberyards	X	P	X	X
Family care homes	P	X	X	S
Radio/TV stations	X	C	C	X
Bed and breakfast establishments	C	X	X	S

Mini-storage	X	C	X	X
Temporary uses (see Note 2)*				
Light manufacturing	X	P	P	S
Single-family detached dwelling units	X	X	X	P
Secondary residences (including but not limited to basement apartments, carriage houses, residence rented rooms as part of a single-family residence)	X	X	X	S
Sexually-oriented business	X	X	X	X

P = Permitted use

C = Permitted by conditional use review

S = Permitted by special use review

X = Prohibited

Notes:

1. All types of uses, P, C and S require an SDP per the design standards of the Town.
2. Temporary uses require a temporary use permit.

Schedule of Uses
Industrial Zone Districts (See Note 1)

<i>Use</i>	<i>I-L</i>	<i>I-H</i>
Facilities for research, testing, fabrication, processing, manufacture, repair, cleaning or assembly of:		
Sporting goods	C	P
Electronic components	C	P
Computers	C	P
Steel (no manufacturing)	C	P
Textiles	C	P
Cosmetics	C	P
Musical instruments, toys, novelties	C	P
Artwork, pottery	C	P
Facilities for research, testing, fabrication, processing, manufacture, repair, cleaning or assembly of (Cont'd):		
Ceramics, glass, metal and plastic products	C	P
Natural or cultured stone products	C	P
Furniture	C	P
Paper products	C	P
Products and materials similar to and compatible with the above	C	C
Bottling plants	P	P
Office for conduct of a business or profession	P	P
Communication facilities	P	P
Utilities	P	P

Telecommunications facilities	S	S
Automobile, mobile home or recreational vehicle sales and sale of parts and accessories	P	P
Automobile leasing	P	P
Industrial equipment sales and leasing and the sale of parts and accessories	P	P
Automobile, mobile home or recreation vehicle general service, repair, painting, body work and storage	S	S
Service stations or automobile washing facilities, with retail sales of automotive accessory sales of convenience items not to exceed 2,000 sq. ft. of floor area	P	P
Restaurants, not including drive-through establishments	P	C
Restaurants, including drive-through establishments	C	S
Lumberyards, including sale of building and construction materials	P	P
Nursery stock production and sales	P	P
General storage and warehouses for goods	P	P
Mini-storage warehouse	P	P
Contractors supply yards	P	P
Shops for:		
Cabinetworks and furniture	C	P
Glazing	C	P
Printing and publishing	C	P
Plumbing	C	P
Electrician	C	P
Sheet metal	C	P
Handicraft products	C	P
Upholstery	C	P
General repair	C	P
Welding	C	P
Shops for uses similar to and compatible with the above uses and products	C	C
Retail sales of products directly related to an otherwise permitted use within the I-L and I-H Districts for which the gross floor area related to on-site sales is 25% or less of the gross floor area of the permitted use	P	P
Retail sales of furniture, household appliances and electrical equipment	P	X
Vocational or trade schools	P	X
Bulk dry cleaning and commercial laundries	S	P
Motor freight depots	S	C
Cold storage lockers	P	P
Storage, repair, rental or sales with contract installation for durable goods (by way of example, kitchen appliances, saunas, Jacuzzis, sheet metal products, sheet rock, office equipment, solar energy equipment)	P	P
Manufacture of durable goods	C	P

Public and governmental buildings	P	P
Major utility facilities, including transmission lines and substations	S	P
Child care centers	S	X
Wholesale sales operations	P	P
Outdoor storage	S	S
Recycling facilities	S	P
Parking lots	C	C
Drive-through banks	S	X
Automatic teller machines/mini-banks	C	C
Studios for motion picture or video productions	P	X
Accessory dwelling units for employee housing, limited to housing for individual actively employed by the principal use on a lot and limited to dwelling units contained within or attached to the principal building on a lot	S	X
Catalog sales outlets	P	X
Water and sewer treatment plants	C	P
Any of the above uses, with the exception of lumberyards and mini-storage warehouses, which exceed 35,000 sq. ft. of building or covered storage areas on a single lot	S	C
Salvage yards, junkyards	X	C
Veterinary clinics/hospitals	C	X
Kennels	S	S
Sexually oriented businesses	S	S
Temporary uses (See Note 2)		

P = permitted use

C = Permitted by conditional review

S = Permitted by special review

X = Prohibited

Notes:

1. All types of uses, P, C and S require an SDP per the design standards of the Town.
2. Temporary uses require a temporary use permit.

**Schedule of Uses
Agricultural and Open Space Districts**

<i>Use</i>	<i>A-UR</i>	<i>OS-R</i>	<i>OS-N</i>
Single-family dwellings	P	X	X
Mobile homes	X	X	X
Farm, ranching and garden accessory buildings for storage and animal husbandry uses	P	X	X
Living quarters for farm operation personnel	P	X	X
Livestock and livestock boarding	P	X	X

Cultivation, storage, sale of crops, vegetables, plants, flowers and nursery stock	P	X	X
Golf courses with clubhouse	X	C	X
Oil and gas drilling accessory equipment and storage tanks	S	S	S
Veterinary clinics/hospitals	X	C	X
Public recreation facilities	X	C	X
Places of worship	X	C	X
Campgrounds	X	C	X
Communications facilities	C	S	X
Telecommunications facilities	S	S	X
Major facilities of a public utility	S	X	X
Temporary uses	P	X	X
Utilities and cable facilities, overhead (existing overhead facilities exempted)	P	S	X
Utilities and cable facilities, underground	P	P	S
Dog parks	X	C	X
Parks	X	P	X
Picnic shelters at trailheads	P	C	X
Picnic shelters not at trailheads	P	C	X
Restroom facilities not at trailheads	P	C	X
Kiosks – information	P	C	S
Playgrounds	X	C	X
Restoration or reclamation of natural habitat greater than ½ acre	P	P	C
Trails, unpaved	P	C	C
Trails, paved	P	C	S
Trailheads without restroom facilities	P	C	S
Trailheads with restroom facilities	P	C	X
Parking, paved or unpaved*	P	C	S*
Fencing	P	C	P
Barbed wire fences	P	X	P
Signage	P	P	P*
Swimming pools	X	C	X
Reservoirs	P	C	X
Athletic fields	P	C	X
Basketball courts	X	C	X
Tennis courts	X	C	X
Flood control improvements	P	P	C

Markers and lights necessary for public or private airports	X	C	X
Pedestrian bridges	P	C	C
Maintenance equipment sheds	P	C	X
Installation of landscaping, not a part of restoration or reclamation	P	C	X
Public roadways, paved or unpaved	P	C	X
Unpaved maintenance roads	P	P	S
Grading and berms, not a part of restoration or reclamation	P	C	X

P = permitted use

C = Permitted by conditional review

S = Permitted by special review

X = Prohibited

*The number of parking spaces shall be determined by a demand analysis and only those parking standards for parking space size, aisle width and ADA requirements shall apply. Signage shall be approved only as part of a signage program that establishes design consistency within the site/property and consistency with signs at other OS-N and OS-R sites or open space properties in the Town.

(c) The Schedule of Requirements includes basic bulk, setback, density, intensity and open space requirements for each zone district. Additional requirements are listed for uses permitted by special review. All developments in the Superior Urban Renewal Area shall comply with the applicable Superior Urban Renewal Authority Guidelines in addition to the Schedule of Requirements.

**Schedule of Requirements
Residential Districts**

<i>Standard</i>	<i>R-E</i>	<i>R-VL</i>	<i>R-L</i>	<i>R-M</i>	<i>R-MH</i>
Minimum lot area (square feet)	43,560	14,520	7,000	6,000	3,750
Maximum building or structure height (feet)	32	32	32	32	32
Maximum height of accessory uses (feet) (see Note 9)	10	10	10	10	10
Maximum number of stories	2	2	2	2	1
Maximum lot width (feet)	150	75	50	50	37.5
Yard requirements (feet)					
Front yard setback (principal and accessory uses and structures) (see Note 1 for street types)					
Arterial	50	40	25	25	30
Major collector	35	25	25	25	30
Minor collector	25	25	25	25	30
Local	25	25	25	25	30
Side yard (principal accessory uses and structures – interior lot line)	20	10	5	10 ¹⁰	5
Front yard setback (principal and accessory uses and structures) (see Note 1 for street types) (Cont'd)					
Side yard (principal accessory uses and structures – abutting street)	20	10	10	10 ¹⁰	10

Rear yard (principal uses and structures)	35	20	20	20	20
Rear yard (accessory uses and structures – no alley)	35	20	10	10	10
Rear yard (accessory uses and structures – abutting street or alley)	35	20	8	8	8
Creek setback (feet) (principal accessory uses and structures) (see Note 2)	30	30	30	30	30
Maximum lot coverage	20%	30%	40%	40%	
Maximum landscaped open space (see Note 3)	15%	20%	25%	45%	25%
The following additional standards shall be applicable only to development projects on greater than six (6) lots or with a total site area of two (2) acres or greater:					
Density limits	1	3	6	8	6
Minimum total open space ⁴	15%	20%	25/35% ⁵	45% ⁷	25%
Minimum usable open space ⁴	10%	10%	20/25% ⁶	See Note 8	25%

Notes:

1. As defined in Subsection 16-17-20(b).
2. Measured from high water mark or boundary line of floodway.
3. Or as specified otherwise in Section 16-20-40.
4. The usable open space may be included within the total open space calculation. The percentages shown in the chart for total open space and for usable open space are percentages of the gross lot area.
5. Developments with lot sizes 8,500 sq. ft. or greater shall have a minimum of 25% total open space; those below 8,500 sq. ft. shall have a minimum of 35% total open space.
6. Developments with lot sizes 8,500 sq. ft. or greater shall have a minimum of 20% usable open space; those below 8,500 sq. ft. shall have a minimum of 25% usable open space.
7. May be reduced to 40% for multi-family and to 35% for single-family through the PD process.
8. 75% of the "minimum total open space."
9. Detached garages may be a maximum of 2) stories and 32 feet in height.
10. Single-family dwellings and two-family/duplex dwellings may have a minimum of a 5-foot side setback.

**Schedule of Requirements
Commercial and Mixed Use Districts**

<i>Standard</i>	<i>B-C</i>	<i>B-R</i>	<i>B-O</i>	<i>M-U</i>
Minimum lot area (square feet)				
Nonresidential	6,000	10,000	10,000	3,125
Residential	—	6,000 ¹	—	6,000 ¹
Combined residential/commercial	6,000	10,000	10,000	3,125
Maximum building or structure height	40	40	40	40
Minimum lot width (feet)	25	50	50	50
Maximum number of stories	4	4	3	3
Maximum floor area ratio				

Nonresidential	0.5	0.75	1.0	1.5
Residential	—	0.5	—	0.5
Combined residential/commercial	—	1.25	—	2.0
Yard requirement (feet)				
Front yard setback (see Note 2 for street types)				
Arterial	25	50	50	25
Major collector	25	40	40	25
Minor collector	25	25	25	25
Local	25	25	25	15
Side yard	15	10	10	5 ⁶
Rear yard	15	25	15	25
Creek setback from high water mark (minimum) (see also Section 16-29-90)	30	30	30	30
Minimum landscaped open space	25% ⁴	25% ⁴	40% ⁴	30%
Maximum building height for single-family detached (feet)	N/A	N/A	N/A	32

Notes:

1. Residential minimum lot sizes in the B-R District shall conform to the requirements of the R-M District.
2. As defined in Subsections 16-17-20(b) and (c).
3. In the B-R, B-C and B-O Districts, the minimum side yard shall be 10 feet for the first 25 feet of building height. Buildings in excess of 25 feet shall increase the side yard setback 1 foot for each 2 feet of building height over 25 feet to a maximum setback of 25 feet.
4. Of the required minimum landscaped open space, up to 20% may be provided in the public right-of-way with credits given for pedestrian improvements, street furniture, subject to the approval of the Planning Commission and Board of Trustees.
5. Zero lot line or patio/single-family detached units are allowed in this district. The minimum side setback to the next unit from a zero lot line unit is 5 feet.

**Schedule of Requirements
Industrial Zone Districts**

<i>Standard</i>	<i>I-L</i>	<i>I-H</i>
Minimum lot area (square feet)	10,000	14,000
Maximum building or structure height (feet)	60	65
Maximum number of stories	3	4
Maximum floor area ratio	2:1	2.5:1
Minimum lot width (feet)	50	100
Yard requirements (feet) ¹		
Front yard setback		
Local street	20	30
Other streets	25	35
Setback from zone district boundaries (landscaped)	20	30

Side yard setback	10 ²	10 ²
Rear yard setback	10 ²	10 ²
Creek setback from high water mark (minimum) (feet)	50	50
Minimum landscaped open space ³ (useable and total)	15%	15%

Notes:

1. Street types defined in Subsections 16-17-20(b) and (c).
2. Variable side and rear yard setbacks may be permitted that would allow a zero lot line development, provided that the following conditions are met: a minimum of 20 feet is maintained between buildings unless common wall construction is proposed; the lot line does not abut a public right-of-way or private access easement; all zero lot line developments provide a maintenance easement of 3 feet adjacent to the lot line with a zero setback; the variable setback is allowed only where all the lots involved are part of a platted subdivision of a PD with unified ownership of the lots adjacent to the property line with the reduced setback; and any other conditions deemed appropriate by the Board of Trustees.
3. The usable open space may be included within the total open space calculation. The percentages shown in the chart for total open space and for usable open space are percentages of the gross lot area.

**Schedule of Requirements
Agricultural and Open Space Districts**

<i>Standard</i>	<i>A-UR</i>	<i>OS-R</i>	<i>OS-N</i>
Minimum lot area	35	0.25	0.25
Maximum building or structure height (feet)	35	25	(Note 1)
Maximum number of stories	2	1	NA
Minimum lot width (feet)	200	50	NA
Maximum lot coverage	35%	35%	NA
Yard requirement (feet)			
Front yard setback	50	50	NA
Side yard	25	25	NA
Yard requirement (feet)			
Rear yard	30	30	NA
Creek setback from high water mark A (feet) (minimum)	30	30	30

Notes:

1. As approved by a special use or conditional use permit.

(Ord. O-10 §1, 2010)

Sec. 16-6-130. Accessory uses.

(a) An accessory use:

- (1) Is customary to and commonly associated with the operation of the principal use;
- (2) Is clearly subordinate and incidental to the principal use;
- (3) Is operated and maintained under the same ownership as the principal use on the same lot;

- (4) Includes only those structures or structural features consistent with the principal use;
- (5) Is not detrimental to the character of the area in which the lot is located;
- (6) Is related to the principal use and actively maintained at the same time as the principal use;
and
- (7) May include home occupations, as permitted by this Code.

(b) The gross floor area utilized by all accessory uses, except a private garage, shall not exceed ten percent (10%) of the total floor area of the principal use which is active and operational. The maximum square footage of the portion of a lot used for an accessory use shall be determined based on the above criteria; however, in no event shall the square footage of the portion of the lot used for the accessory use exceed twenty-five percent (25%) of the square footage of the principal use which is active and operated at the same time as the accessory use.

(c) There shall be no more than one (1) accessory building, unless a detached garage is an accessory use on the property, then one (1) other accessory building on the lot shall be allowed.

(d) Accessory uses that have a total roof area not exceeding one hundred twenty (120) square feet do not require a building permit.

(e) Accessory uses shall meet setback and other design standard requirements in each zone district. Construction of accessory buildings may or may not require a building permit. If such a permit is required, a plot plan showing the location of the accessory use on the zone lot shall be required. Accessory uses meeting the above conditions are permitted by a building permit issued for a principal use, as long as the accessory uses were shown on the same plot plan as the principal use.

(f) Without limiting the generality of Subsection (a) hereof, the following activities, if they satisfy the general criteria set forth above, are specially regarded as accessory to principal residential uses:

- (1) Offices or studios in an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, if such activities do not fall within the definition of a home occupation, which is regulated separately in this Chapter.

- (2) Hobbies or recreational activities of a noncommercial nature, limited to the premises.

- (3) Yard sales or garage sales, if such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety-day period.

(g) Without limiting the generality of Subsection (a) hereof, the following activities shall not be considered accessory uses and are prohibited in residential districts:

- (1) Storage, outside of a substantially enclosed structure, of any motor vehicle that is not licensed or not operational.

- (2) Parking or storage of a motor home or travel trailer exceeding thirty (30) feet in length for more than thirty (30) days.

(3) Parking, outside a substantially enclosed structure, of more than four (4) motor vehicles between the front building line of the principal building and the street on any lot. (Ord. O-10 §1, 2010)

Sec. 16-6-140. Home occupations.

A home occupation shall be allowed as an accessory use, provided that the following conditions are met:

(1) The use shall be conducted entirely within a building and may employ a maximum of two (2) people other than those members of the immediate family residing on the premises. For purposes of this Section, a building may include attached or detached garages and attached or detached accessory buildings.

(2) The use shall be clearly incidental and secondary to the use of the building for dwelling purposes and shall not change the residential character thereof.

(3) The total area used for home occupation uses shall not exceed twenty-five percent (25%) of the total floor area of any of the buildings on the lot, except for day care homes for which this restriction does not apply. The area used for the home occupation shall be considered to include all storage areas and work space clearly utilized or essential in the operation of the home occupation.

(4) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.

(5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation, unless it is enclosed and lot coverage requirements for accessory uses are met.

(6) No equipment or process shall be used which creates any glare, fumes, odors, noise or other objectionable conditions.

(7) No traffic shall be generated by such home occupation in greater volumes than that generated by a single-family use in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and not in a required yard adjacent to a street.

(8) Under no circumstances shall any of the following be allowed as a home occupation: any retail or wholesale shop, barbershop, beauty parlor, wig styling, mortuary, nursing home, restaurant, veterinary clinic, wood shop, cabinet-making shop, auto repair shop, motorized implement repair; dance, music or other type of instruction with more than four (4) students being instructed at one (1) time; dental offices, medical offices, the painting of vehicles, trailers or boats; welding shops; or sexually-oriented businesses.

(9) Proprietors of home occupations shall register annually with the Town Clerk, which registration shall include a review of compliance with the home occupation requirements of this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-6-150. Uses not itemized.

(a) Any use which is not listed as a permitted, conditional or special use shall not be permitted within the zone district.

(b) Any use involving an activity that violates federal, state or local law shall be prohibited within all zone districts. (Ord. O-10 §1, 2010)

ARTICLE VII

Rezoning and Zoning Amendments

Sec. 16-7-10. Initiation of zoning changes.

A rezoning may be initiated by the Town, by initiative petition or by application by property owners. (Ord. O-10 §1, 2010)

Sec. 16-7-20. Submittal requirements.

A petition for rezoning shall include all the standard submittal information set forth in the Superior Development Application Standards, and evidence that the property can be served by public sewer and water services. Such evidence shall be in the form of a written commitment by the appropriate provider stating that such service will be available to the property. (Ord. O-10 §1, 2010)

Sec. 16-7-30. Procedure.

(a) Public hearing. The Planning Commission shall conduct a public hearing on the application within seventy-five (75) days of the filing of a complete application and prepare recommendations for the Board of Trustees. After receipt of the Planning Commission recommendation, the Board of Trustees shall conduct a public hearing and render a decision.

(b) Criteria. The Town shall consider whether the proposed rezoning furthers the goals and policies of the Comprehensive Plan, and any other appropriate approved plans. In particular, the Town shall consider whether the adoption of the proposed amendment or rezoning would necessitate a comprehensive plan amendment.

(c) Notice. Notice of the public hearings shall be provided by publication, mailing to adjacent landowners, and posting, pursuant to Section 16-2-60. (Ord. O-10 §1, 2010)

Sec. 16-7-40. Protests.

(a) If a valid petition opposing a change in zoning classification is filed with the Town, the proposed amendment may then only be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of all members of the Board of Trustees.

(b) To be valid, the petition shall:

(1) Be signed by the owners of either ten percent (10%) or more of the property subject to the proposed change; or by ten percent (10%) or more of the area of land extending a radius of five hundred (500) feet from the boundaries of the property which is subject to the proposed change;

(2) Be received by the Town at least twenty-four (24) hours prior to the public hearing before the Board of Trustees; and

(3) Be on a form provided by the Town and containing all the information requested on the form. (Ord. O-10 §1, 2010)

ARTICLE VIII

Subdivisions

Sec. 16-8-10. General.

(a) Policy. It is the policy of the Town to subject the subdivision and subsequent development of land to the control of the Town pursuant to the Comprehensive Plan, Capital Improvement Program and all other rules, regulations and policies the Town may adopt for the orderly, planned, efficient and economical development of the Town.

(b) General requirements. Subdivisions shall meet the following requirements:

(1) To be subdivided, land shall be of such character that it can be used safely for development purposes without unnecessary danger to health or peril of fire, flood or other menace.

(2) Land may not be subdivided until proper provision has been made for paving, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities and rights-of-way for streets, transportation facilities and improvements, except as specifically provided by this Chapter.

(3) No subdivision shall be created that does not create a legal lot in the zone district in which it is located, unless a lot smaller than a legal lot in the zone district is acquired by a public entity.

(4) No building shall be erected on any property unless the property is part of a subdivision approved in accordance with this Chapter or prior subdivision regulations of the Town, or by agreement with the Town.

(5) No person shall sell, exchange or offer for recordation land required to be subdivided under this Chapter, or offer for recordation any deed conveying a parcel of land, unless a subdivision plat has been approved and recorded in accordance with this Chapter.

(6) Subdivisions shall include evidence that provision has been made for electrical and natural gas facilities, easements and rights of access necessary to the subdivision.

(7) Subdivision plats for entire subdivision or filing thereof may be phased by the applicant if the phasing sequence is disclosed and identified on a map or the development schedule for the development.

(c) Monuments. The applicant for a subdivision shall place permanent reference monuments on the property in accordance with Section 38-51-100.3, C.R.S., and as required and approved by the Town. Monuments shall meet the following at a minimum:

(1) The external boundaries of the subdivision shall, prior to the recording of the final plat, be monumented on the ground by reasonably permanent monuments solidly embedded in the ground.

(2) Affixed securely to the top of each monument shall be a durable cap bearing the Colorado registration number of the land surveyor responsible for the establishment of the monument.

(3) Monuments shall be set not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, at the beginning, end and points of change of direction or change of radius of any curved boundaries defined by circular arcs and at the end of any spiral curve.

(4) When a block is bounded by streets, the monuments may be set on the center lines of said streets or on off-set lines therefrom as designated on the plat.

(5) The corner of lots, tracts or other parcels of land, all aliquot (section) corners and reference points which are set to perpetuate the location of a land boundary or easement shall be marked by permanent markers appropriately secured with a durable cap.

(6) If any corner falls within the traffic area of a street, road or highway, the top of the monument shall be provided with a monument box, the top of which shall be set flush with the surface of the pavement.

(7) Where necessary, the centerline of streets within the subdivision boundaries shall be monumented, at all angle points and intersections of street centerlines, at beginning points (points of curvature), ending points (points of tangency) and points at which the radius changes (points of reverse curvature or points of compound curvature) of horizontal curves, and at radius points of cul-de-sacs and bulbs. (Ord. O-10 §1, 2010)

Sec. 16-8-20. Subdivision required.

(a) Subdivision of land is required when:

(1) Any land, vacant or improved, is divided or proposed to be divided into two (2) or more legal building sites of thirty-five (35) acres or less or airspace units (condominiums and apartments) for the purpose of sale, exchange, lease or development;

(2) Two (2) or more lots or properties are proposed to be combined into legal buildings sites for the purpose of sale, exchange, transfer, lease or development;

(3) A property is proposed to be developed in a manner inconsistent with, or requiring an alteration of, an existing approved plat;

(4) A dedicated property that has been abandoned or vacated is proposed for development within a legal building site; or

(5) There is the conversion of rental units into individual units for sale or exchange as condominiums or other separate forms of property ownership. In such situations, when rental units are part of a PD and have been reviewed under this process when common areas are known, the applicant is required to submit all as-built plans, common ownership documents, covenants and the like to the Town for their files and administrative review in compliance with the Condominium Conversion Act per state law. Apartment developments not constructed under the PD process cannot be converted to individual ownership unless plans are filed for the conversion in accordance with the PD and subdivision regulations of the Town.

(b) Exemptions. The following subdivisions shall be exempt from the subdivision requirements in this Article, provided that they meet the legal lot requirements of the zone district in which they are located:

(1) One that involves minor redrawing or making other minor adjustments to existing plats to correct previous technical errors;

(2) One that creates no more than three (3) estate parcels from an estate by order of a court of legal jurisdiction;

(3) One that creates parcels of thirty-five (35) acres or greater out of a parcel larger than thirty-five (35) acres;

(4) One that combines two (2) parcels or a portion of one (1) parcel with one (1) other parcel into a single parcel to create one (1) building site; or

(5) One that vacates public rights-of-way, easements or other public dedications and combining the vacated property with adjacent parcels.

(c) Exemption review procedures.

(1) Applicants for a subdivision exemption shall only need to submit:

a. A certified survey of the subject of the exemption to the Manager for review; and

b. A title insurance policy dated no later than sixty (60) days prior to the application.

(2) The Manager shall review the application within thirty (30) days of receiving a completed application, and either approve, approve with conditions or deny the application.

(3) Upon approval or adherence to conditions of approval, the Mayor shall sign the survey cover sheet and the Manager shall cause the exemption to be recorded. Recording costs shall be paid by the applicant. (Ord. O-10 §1, 2010)

Sec. 16-8-30. Subdivision classifications.

(a) Minor subdivision. A minor subdivision is any subdivision that meets the following criteria:

(1) That involves the division of a parcel or building into no more than six (6) lots or units;

(2) Where the proposed lots abut an existing improved public or private street of adequate width;

(3) Where adequate water and wastewater, paving and drainage improvements exist to serve the proposed plat without additional public improvements;

(4) That does not require the creation of additional streets, parks, drainage facilities or other public improvements necessary to support the proposed development; and

(5) That does not involve the dedication of land, rights-of-way or easements for public improvements, or the payment of fees-in-lieu of such dedications.

(b) Major subdivision. A major subdivision is any subdivision that is not a minor subdivision. (Ord. O-10 §1, 2010)

Sec. 16-8-40. Minor subdivision.

(a) Procedure. The following procedures shall be followed when reviewing a minor subdivision:

(1) Preapplication conference. The Manager shall review the sketch plan and provide recommendations and comments to the applicant.

(2) Planning Commission review and comment. The Manager shall provide review and comment to the Planning Commission and the Planning Commission shall review and comment on the final plat at a public hearing after notice is provided by publication, mailing and posting, pursuant to Section 16-2-60.

(3) Board of Trustees decision. The Board of Trustees shall issue a final decision after a public hearing after notice is provided by publication, mailing and posting, pursuant to Section 16-2-60.

(b) Criteria. A minor subdivision shall be reviewed for conformity with this Chapter and the Comprehensive Plan; provided that the Board of Trustees may approve a final plat that is inconsistent with the Comprehensive Plan at its discretion.

(c) Submittal requirements. Applicants shall submit the following:

(1) A final plat meeting the Superior Development Application Standards.

(2) A proposed subdivision improvement agreement.

(3) Legal documents pertaining to the organization of any homeowners' association for the maintenance of private roads, open space, common areas or other private amenities.

(4) Proof of notification of mineral estate owners as required by state law.

(5) In addition to meeting the Superior Development Application Standards, a final plat shall contain the following information:

a. Prior reception number of previous property transfer; original subdivision name, if any, and book/page reference in the Boulder County records.

b. Description and location of primary control points of monuments, both found and set, and ties to such control points to which all dimensions, angles, bearings and similar data on plat shall be referred.

c. A scale drawing of tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves with long chord bearings and distances.

d. Names and right-of-way width of each street or other rights-of-way, together with block and lot numbers and street addresses.

e. Location, dimensions and purpose of any easement, including reference by book and page to any preexisting recorded easements.

f. All dimensions necessary to establish the boundaries in the field.

g. Planned locations, with dimensions, of all improvements on the site for airspace subdivision plats.

h. Dimensions of improvements.

i. Notation of which areas, other than residential lots, are dedicated or reserved, such as for open space.

j. Location of sewer and water service lines and mains.

k. Landscape and parking plans.

l. The required front, rear and side setbacks on typical lots and setbacks by use type in a chart or as required by the zone district.

m. Planned drainage areas for accommodating historic flows plus any increased runoff on the property resulting from development. (Ord. O-10 §1, 2010)

Sec. 16-8-50. Major subdivision.

(a) Procedure. The process for reviewing a major subdivision shall be as follows:

(1) Preapplication conference. The Manager shall meet with the applicant, review the concept plan and provide recommendations and comments to the applicant.

(2) Preliminary plat. Following the preapplication conference, a preliminary plat drawing and accompanying information shall be submitted to and reviewed by the Manager. All information shall be of sufficient detail to properly review the subdivision proposal and to resolve planning and engineering problems that may arise before the final plat is prepared.

(3) Planning Commission review. The Planning Commission shall review and comment on the preliminary plat at a public hearing after notice is provided by publication and posting, pursuant to Section 16-2-60.

(4) Board of Trustees review. The Board of Trustees shall render a final decision on the preliminary plat after a public hearing. Notice of the public hearing shall be provided by publication and posting, pursuant to Section 16-2-60.

(5) Effective period of preliminary plat approval.

a. The preliminary plat shall be effective for a period of eighteen (18) months from the date of the Board of Trustees approval.

b. Prior to the end of the eighteen (18) months, the applicant shall have met all requirements of the final plat process and the final plat shall have been signed and recorded with the Clerk and Recorder of Boulder County.

c. For preliminary plats for multiphase projects, a final plat submitted for at least ten percent (10%) of the total area of the initial preliminary plat shall extend the effective period of preliminary plat approval for an additional eighteen (18) months.

d. The applicant may request in writing, prior to the expiration of the preliminary plat or any portion of a preliminary plat, an extension of the effective period. An extension application shall:

1. Show good cause for the extension;
2. Be limited to a maximum of twelve (12) months; and
3. Be reviewed and approved by the Manager.

e. Extensions of the effective period may be requested more than one (1) time; however, each will be evaluated on its own merit.

(6) Final plat. The final plat step in the platting process requires review and comment by the Manager and the Planning Commission, and a final decision by the Board of Trustees.

(b) Criteria. The preliminary and final plats shall be reviewed for conformity with this Chapter and the Comprehensive Plan; provided that the Town may approve a preliminary or final plat that is inconsistent with the Comprehensive Plan at its discretion.

(c) Preliminary plat submittal requirements. In addition to the Superior Development Application Standards, the preliminary plat shall include the following:

(1) Summary statement of proposal including the following:

- a. Total acres to be subdivided.
- b. Total number of proposed dwelling units.

- c. Total number of square feet of nonresidential floor space.
 - d. Total number of off-street parking spaces, including those associated with single-family residential use.
 - e. Estimated total number of gallons of water per day required.
 - f. Estimated total number of gallons per day of sewage to be treated.
 - g. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other facilities as may be necessary to complete the development plan.
- (2) Preliminary street plan. One inch equals one hundred feet (1" = 100') with two-foot contours with alignment, graphic dimensions of right-of-way widths, curve radii and tangent lengths. The proposed typical structural and geometric cross-sections, location, type and approximate size of appurtenant structures, such as bridges, culverts, traffic control devices, lot lines and other design features. shall be shown.
- (3) Preliminary drainage plan and report, containing the following:
- a. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with rough estimates of contributory acreage and runoff amounts;
 - b. A sketch of the proposed development showing the consequent changes in the drainage patterns, concentration points and flooding limits. with estimates of acreage, runoff coefficients and runoff amounts for the areas to be developed, both now and in the future, within each basin; and
 - c. A narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes.
- (4) Preliminary utility design. Preliminary plans and profiles of the proposed water and sewer facilities should be provided showing the location of existing or proposed water and sewer and other utilities relative to the development. Indicate the size, type and other pertinent data for existing and proposed utility improvements.
- (5) Preliminary landscaping plan. A preliminary landscaping plan shall be submitted which shall show the approximate size and types of proposed planting and the location of the planting and its spacing. The plan shall also show the approximate location, type, height, spacing and physical health of existing vegetation. A statement shall be required explaining the intent of the preliminary landscaping plan, as for screening purposes and specimen tree plantings.
- (6) Any agreement for the dedication of land or fees-in-lieu for public purposes.
- (7) Letter from the jurisdictional fire district concerning fire protection and fire flow requirements for the proposed subdivision.
- (8) A preliminary grading plan prepared by a qualified professional.

(9) Proof of notification of mineral estate owners as required by state law.

(d) Preliminary plat drawing requirements. In addition to meeting the standard drawing requirements set forth in the Superior Development Application Standards, the preliminary plat shall include the following:

(1) Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes or other water features, including direction of flow, water level elevations and typical depths and location and extent of areas subject to inundation by a one-hundred-year storm.

(2) A traverse map of the monumented perimeter of the proposed subdivision, along with survey notes of subdivision perimeter and copies of monument records. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). A survey tie to the state coordinate system or other permanent marker established by the Town Surveyor is required if practical.

(3) Lot and street layout.

(4) Scaled dimensions of all lots to nearest foot and the area of each lot to the nearest square foot.

(5) Lots and blocks numbered consecutively.

(6) Location and principal dimensions and identification of existing and proposed public and private easements and rights-of-way.

(7) Existing and proposed street names.

(8) Location of sites to be reserved or dedicated for parks, playgrounds, schools or other public uses except streets and utility easements.

(9) Sites, if any, for multi-family dwellings, shopping centers, community facilities, industrial or other uses, exclusive of single-family dwellings.

(10) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use. Information other than location of these areas is to be provided in a separate document.

(e) Final plat submittal requirements. In addition to the standard submittal materials required by the Superior Development Application Standards, the final plat shall include the following:

(1) Final versions of all material submitted with the preliminary plat. The final plat submission shall conform in all major respects to the preliminary plat as previously reviewed and approved by the Board of Trustees and shall incorporate all modifications that affect the preparation of a legal final plat.

(2) If the final plat is submitted in sections or filings covering representative and reasonable portions of the subdivision tract, a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly, including title, legend, matchlines and other appropriate information.

(3) If additional subdivision of the parcel is planned, a narrative indicating the intended future subdivision plans.

(4) Final engineering plans and all required supplemental material.

(5) Dedications, reservations and agreements concerning parks, school sites and access roads are subject to Board of Trustees approval. Where such action involves another public agency, a letter of clearance from that agency shall accompany the final plat application.

(6) A signed warranty deed conveying land designated for public purposes or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at the time the preliminary plat was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.

(7) In the case of a PD, an official signed deed dedicating or reserving certain tracts or the development rights to such tracts for local use as may have been agreed to at the time the preliminary plat was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.

(8) An official signed document conveying the water rights required by this Chapter to the Town, or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at the time the preliminary plat was approved. The document shall be accompanied by a title insurance policy or other evidence that the water is free and clear of all taxes, liens or other encumbrances.

(9) A bond or letter of credit equal to the total estimated construction cost of all required subdivision improvements not yet completed at the time of application for final plat approval. Such improvements shall include but not necessarily be limited to streets, roads, paving, curb and gutter, sidewalks, storm sewers, sanitary sewers including collectors and outfall lines, water distribution and transmission lines, fire hydrants, street lights, street signs, traffic control devices, survey monuments, culverts, bridges and landscaping features. Bonds or letters of credit may be negotiated based on development phases of the subdivision.

(10) An executed copy of the subdivision improvement agreement.

(11) If a homeowners' association or other entity is to be used for the administration and maintenance of private roads or open space and recreational facilities, a binding and perpetual agreement in regard to maintenance and access control shall be submitted with the final plat. Such agreement shall be in a form acceptable to the Town, shall be recorded with the County Clerk and Recorder prior to or simultaneously with recording of the final plat, and shall include provisions for:

a. Adequate funding and self-enforcement by the homeowners' association of the terms contained in the agreement.

b. Continuous safety inspections and immediate follow-up maintenance to correct unsafe conditions.

c. Receiving and processing complaints by authorized users of the private roads or open space and recreational facilities.

d. Requiring written permission from the Board of Trustees before the association can be dissolved.

(12) Where a portion of an existing easement is contiguous to a proposed easement for right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Planning Commission shall be submitted.

(13) When a new street will intersect with a state highway, a copy of the state highway access permit shall be submitted. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(14) A summary statement, including the following:

- a. Total development area;
- b. Total number of proposed dwelling units;
- c. Estimated total number of gallons per day of water system requirements;
- d. Estimated total number of gallons per day of sewage to be treated; and
- e. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities and such other facilities as may be necessary. If improvements are not to be completed prior to approval of the final plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.

(15) Certification of inclusion of the land represented by the final plat in SMD1.

(16) Certification from SMD1 that all applicable fees have been paid relative to the final plat including sewer connection fees or plant investment fees or that an agreement has been executed acceptable to SMD1 for such payment.

(17) A check for the applicable water tap and plant investment fees, or a contract for payment of said fees in a form acceptable to the Town.

(18) No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs have been submitted, reviewed and found to these subdivision regulations and all other applicable law. The minimum data required for final plat review are as follows:

- a. Street construction plans and profiles shall include:
 - 1. Sufficient data to show how to construct major structures and road appurtenances, such as bridges, large culverts, curbs, drives, walks and cross pans. Detail should include orientation, line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality and specifications.
 - 2. A structural street section design report shall be submitted for review by the Town. The design criteria set forth in the Town's Roadway Design Criteria and Standards shall be used in the preparation of the final street construction plans and profiles.

b. Final drainage plans and reports shall include:

1. Plans and specifications detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams and energy dissipaters.

2. Flow line profiles and layout elevations at minimum one-hundred-foot stations, and natural ground elevations shown to indicate any significant irregularities for proposed conduits, channels and structures.

3. Cross-sections of each water carrier showing high water elevations and adjacent features which may be affected thereby.

4. Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert.

5. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal.

6. A drainage report including the supporting calculations for runoffs, times of concentration and flow capacity with assumptions clearly stated and with proper justification when needed or requested.

7. A final drainage plan in conformance with the design criteria set forth in the Town's Roadway Design Criteria and Standards.

c. Final utility plans and profiles shall include:

1. Plans and specifications detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed in the area included in the final plat, and any off-site facilities related to the above-described utilities which may be considered an integral part of the utilities plan for the subdivision.

2. Water utility facilities design in compliance with the criteria established by the Town, SMD1 or other special district of competent jurisdiction.

3. Sewer utility facilities design in compliance with the criteria established by the Town, SMD1 or other special district having jurisdiction.

(19) Certification of notification of any mineral estate owners associated with the property on which the subdivision is proposed meeting the requirements of Section 24-65.5-103.3, C.R.S.

(f) Final plat drawing requirements. The final plat shall meet the standard drawing requirements set forth in the Superior Development Application Standards and shall include the following:

(1) Final versions of the preliminary plat drawings.

(2) Certificate of acceptance as follows:

NOTICE

Public Notice is hereby given that acceptance of this platted subdivision by the Town does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said Town.

Until such roads and rights-of-way meet Town road specifications and are specifically accepted by this Town by recording with the Clerk of the Town an official acceptance, the maintenance, construction, and other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within this subdivision. Town acceptance of the roads and rights-of-way of this platted subdivision shall not be given unless all utilities proposed to be installed in such roads have been constructed and the roads and rights-of-way completed thereafter to Town standards.

(3) Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances. A tie shall be provided to indicate the relationship of such a parcel to the area platted.

(4) All land within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.

(5) Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one (1) plat, provided that all owners join in the dedication and acknowledgement.

(6) Block and lot permanent reference points shall be set. (Ord. O-10 §1, 2010)

Sec. 16-8-60. Resubdivision and lot line adjustments.

(a) Resubdivision of land is considered a new subdivision, except that lot lines may be adjusted administratively on approved and recorded plats if the following conditions are met:

(1) All public improvements required at the existing phase of development are installed and approved;

(2) No parcel shall be created that does not meet the minimum standards required by this Chapter and other applicable regulations;

(3) The lot line adjustment shall not adversely affect the character of the previously recorded plat or the character of the area;

(4) The lot line adjustment shall not result in an increase in the total density of the original subdivision; and

(5) A final plat is prepared for filing showing all changes.

(b) If all the requirements of Subsection (a) hereof are met, the lot line adjustment shall be submitted to the Manager for administrative review and approval.

(c) Applicants shall not be required to seek a resubdivision or variance to build residential improvements on residential lots within the original plat of the Town (filed prior to 1910) if all of the following conditions exist:

(1) The property was platted as part of the original plat of the Town filed prior to 1910;

(2) The applicant owns two (2) adjacent lots which he or she desires to treat as one (1) lot for improvements allowed by the applicable residential zoning;

(3) The proposed improvements are additions to existing structures or accessory buildings and not new construction of a primary building;

(4) The lots are zoned residential and the proposed improvements comply with all applicable zoning requirements if treated as one (1) lot; and

(5) The lots, if owned separately, could not be built upon and be in compliance with this Chapter and are therefore considered nonconforming under this Chapter.

(d) If approved through the administrative review process, the final plat and any associated documents shall be filed with the County Clerk and Recorder's office at the applicant's expense.

(e) Submittal requirements. A final plat showing all adjustments to lot lines conforming to the final plat requirements of this Chapter for a minor subdivision and indicating that the plat represents an adjustment to a previously approved or recorded plat shall be submitted with every request for a lot line adjustment in addition to the standard submittal materials set forth in the Superior Development Application Standards. (Ord. O-10 §1, 2010)

Sec. 16-8-70. Block standards.

(a) Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length nor be less than four hundred (400) feet in length, unless no practicable alternative is available. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block. The total design should provide for convenient access and circulation for emergency vehicles. All blocks shall be abutted by a street or streets. Pedestrian walkways shall be provided to permit acceptable pedestrian access to abutting streets.

(b) If service access to the interior of blocks is permitted, alleys shall be indicated in the plan and plat. (Ord. O-10 §1, 2010)

Sec. 16-8-80. Lot standards.

(a) Division. No lot shall be divided by a municipal or county boundary line, road, alley or other lot.

(b) Shape. In the case of wedge-shaped lots, no lot shall be less than twenty (20) feet in width where the narrow side of the lot is at the front property line.

(c) Lot lines. Side lot lines shall be substantially at right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.

(d) Corner lots. Corner lots in all subdivisions shall have the minimum front yard requirements as required by the zone district facing both streets. (Ord. O-10 §1, 2010)

ARTICLE IX

Vacation of Plat, Street, Right-of-Way or Easement

Sec. 16-9-10. General.

(a) Submittal requirements. An application for vacation of a plat, street, right-of-way, easement or portion thereof shall include a certified boundary survey, monumented with a legal description in addition to the standard submittal materials required the Superior Development Application Standards.

(b) Review process.

(1) Preapplication conference. The applicant shall attend a preapplication conference with Town staff to discuss the submittal requirements and review process.

(2) Planning Commission. The Planning Commission shall review the application and make a recommendation to the Board of Trustees.

(3) Board of Trustees hearing. The Board of Trustees shall hold a public hearing on the application and shall approve, approve with conditions or reject the application after notice has provided by publication, mailing and posting, as set forth in Section 16-2-60.

(c) Criteria. The Planning Commission and Board of Trustees shall consider the following criteria:

(1) Whether the plat, street, right-of-way, easement or portion thereof is of record with the County Clerk and Recorder's Office.

(2) Whether the vacation of the plat, street, right-of-way, easement or portion thereof will interfere with the development of or deny access via a public thoroughfare to existing lots or parcels of adjoining property, utility services or other improvements.

(3) Whether the vacation is consistent with the Comprehensive Plan. (Ord. O-10 §1, 2010)

Sec. 16-9-20. Ownership of vacated streets.

Ownership of a vacated street shall occur in accordance with Section 43-2-302, C.R.S. (Ord. O-10 §1, 2010)

ARTICLE X

Planned Developments

Sec. 16-10-10. Purpose.

(a) The Planned Development (PD), by allowing greater flexibility, is intended to be able to accommodate imaginative ideas in development and site design and to promote a greater facility for

open space, more functional use of land and placement of structures in appropriate relationships to each other, to open space and to common facilities.

(b) A PD is permitted when it is in the best interests of the Town and will promote good design, enhancement of environmental amenities and increased efficiency of public services. (Ord. O-10 §1, 2010)

Sec. 16-10-20. General requirements.

Because the creation of a PD involves a particular land area and standards for development may be negotiated that are different from those set forth in the schedule of requirements for the basic zone districts in this Chapter, such different standards, as negotiated, are allowed when all of the following general and specific criteria have been met:

(1) Design and construction of the PD shall include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. All developments shall provide for pedestrian access from adjacent developments, open space areas and trails through the developments to border streets or open spaces and trails.

(2) The applicant shall clearly demonstrate the positive benefits to the Town of the PD District classification versus a traditional single district zone classification.

(3) The plans for the proposed PD shall indicate the particular portions of the project that the applicant intends to develop under various use categories. Densities, acreage and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to the entire PD or separate areas within the PD shall be required.

(4) The total parking requirements of the PD may exceed the sum of the parking that would be required for each separate use pursuant to Article XXIV. However, the total parking requirements may be reduced if the applicant demonstrates to the Town by using standard parking reduction ratios that the total number of spaces is not needed within the PD.

(5) Planned open spaces within the PD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

(6) Open space percentages within separate land use areas of a PD may vary from the percentages provided in this Chapter, but the total amount of open area shall equal the total overall amount required for residential and nonresidential PDs.

(7) Traffic circulation shall be determined by review of each PD. The PD shall have an adequate internal street circulation system. Public streets shall serve all PD planning areas. Streets in a PD District may be designed to a standard that is different than the Town's adopted street standards, particularly in regard to width and traffic calming. Private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes and each structure or use in the PD provides off-street loading spaces, loading berths, service courts or accesses.

(8) Placement of parking in attached, under-structure, underground or in structures is encouraged and shall be considered in allowing height and density increases over the limits of the basic zone districts. (Ord. O-10 §1, 2010)

Sec. 16-10-30. PD plan.

(a) General. A PD plan zones the property PD and establishes the preliminary development plan for the property. It is required before a final development plan may be approved. Where PD zoning does not exist on property and the PD designation is desired, the applicant shall apply for an amendment to the Zoning Map and prepare a proposed PD plan.

(b) Approval criteria. In approving any rezoning to PD, the Board of Trustees shall find that:

- (1) The application is complete;
- (2) The project is in the best interest of the Town;
- (3) The project does not place an extraordinary financial burden on the Town; and
- (4) The intent of applicable Town ordinances, Comprehensive Plan and all other policies is met.

(c) Procedures.

- (1) Preapplication conference. A preapplication conference shall be held with the Manager.
- (2) The PD plan shall be submitted to the Manager for review and comment.
- (3) The Planning Commission shall hold a public hearing on the PD plan and make a recommendation to the Board of Trustees after notice has been provided by publication, mailing and posting pursuant to Section 16-2-60.
- (4) Upon receipt of the Planning Commission's recommendation, the Board of Trustees shall hold a public hearing after notice has been provided by publication, mailing and posting pursuant to Section 16-2-60 and make a final decision on the PD plan.
- (5) An amendment to the PD plan shall be treated as a new plan; provided that minor amendments to the PD plan that do not exceed the threshold standards set forth in Subsection 16-2-90(a) may be approved by the Manager.

(d) Plan requirements. The PD plan shall contain the following, in addition to the information required by the Superior Development Application Standards:

- (1) A summary narrative of the proposal including the following:
 - a. A use list;
 - b. Total number of proposed dwelling units and density of all residential and nonresidential areas;

- c. Total number of square feet of nonresidential floor space;
 - d. Total number of off-street parking spaces, including those associated with single-family residential use;
 - e. Estimated total number of gallons of water per day required;
 - f. Estimated total number of gallons per day of sewage to be treated; and
 - g. Estimated construction cost and proposed method of financing of the streets, trails and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other facilities as may be necessary to complete the development plan.
- (2) Preliminary drainage plan and report, containing the following minimum data:
- a. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with contributory acreage and runoff amounts;
 - b. A sketch of the proposed land development showing the consequent changes in the drainage patterns, concentration points and flooding limits with acreage, runoff coefficients and runoff amounts for the areas to be developed, both now and in the future, within each basin; and
 - c. A narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes.
- (3) Preliminary plans and profiles of the proposed water and sewer facilities, showing the location of all existing or proposed water and sewer and other utilities relative to the development, and indicating the size, type and other pertinent data for all existing and proposed utility improvements.
- (4) A traffic study prepared by a professional traffic engineer that addresses internal loadings, off-site traffic impacts and internal circulation and parking that relate to on-site improvements in addition to those that may necessitate off-site street improvements.
- (5) A fiscal impact study, prepared in conjunction with Town staff, and existing fiscal impact model, if determined necessary by the Manager.
- (6) An environmental study, including a wildlife inventory, prepared by a professional wildlife biologist or ecologist and a list of species found on the site, if determined necessary by the Manager.
- (7) A map and report showing soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of all interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service.
- (8) Geology and subsidence report for the project area.
- (9) Preliminary public land dedication agreement.

(10) Preliminary landscaping plan, describing in general detail the area to be landscaped and irrigated and those areas to remain or be designated as natural open space with native vegetation, and showing the approximate size and the location of the plantings. If the plants and the planting densities differ from the standards set forth in this Chapter, the plan shall note the plant list and densities in chart form. The plan shall also show all public amenities and "hard" and "soft" landscape improvements, as well as the approximate location, type, height, spacing and physical health of existing vegetation.

(11) Letter from the Rocky Mountain Fire Protection District concerning fire protection and fire flow requirements.

(12) Preliminary sign program.

(13) Letter from SMD1 stating its ability to serve the project with utilities and other services.

(14) The location of all existing and proposed buildings, structures and improvements separated into planning areas, if applicable.

(15) The areas which shall be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas and as sites for schools or other public buildings.

(16) The proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square feet per use basis.

(17) An explanation of the objectives of the PD, including building descriptions, sketches or elevations as may be required to describe the objectives.

(18) A development phasing schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and be completed.

(19) A description of the proposed method of providing ongoing (permanent) maintenance of all commonly owned or publicly dedicated buildings, facilities, landscaping, areas and thoroughfares, including security for the obligations, and in the event that the development on the property does not occur within six (6) months of the application, plans for overseeding the property for erosion control and aesthetics.

(20) Copies of any special agreements, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the PD and any of its common areas or buildings, in compliance with Section 24-67-101, et seq., C.R.S.

(21) Narrative and illustrative text for architectural and landscape design guidelines for the PD.

(22) An official signed document, as applicable, conveying any water rights to the Town, or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at the time the preliminary plat was approved, accompanied by a title insurance policy or other evidence that the water is free and clear of all taxes, liens or other encumbrances.

(e) Plan drawing requirements. In addition to the requirements set forth in the Superior Development Application Standards, the drawing shall include the following:

(1) A traverse map of the monumented perimeter of the PD, along with all survey notes of PD perimeter and copies of all monument records. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). A survey tie to the State coordinate system or other permanent marker established by the Town Surveyor is required if practical.

(2) Lot and street layout.

(3) Scaled dimensions of all lots to the nearest foot and the area of each lot to the nearest square foot.

(4) Lots and blocks numbered consecutively.

(5) Location and principal dimensions and identification of all existing and proposed public and private easements and rights-of-way.

(6) Existing and proposed street names.

(7) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use. Provide all internal covenants of design standards and open space maintenance agreements.

(8) GIS data associated with the development. (Ord. O-10 §1, 2010)

Sec. 16-10-40. Final development plan.

(a) A Final development plan (FDP) may only be approved after approval of a PD plan.

(b) Criteria.

(1) Prior to approving an FDP, the Planning Commission and the Board of Trustees shall find that the FDP is consistent with the PD plan and all other Town ordinances and regulations.

(2) The Planning Commission, however, may approve an FDP which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the PD plan review and approval.

(3) An FDP may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases, submission shall include a map indicating the sections designated for the entire tract, and each sheet numbered accordingly, including title, legend, matchlines and other appropriate information. When an entire parcel is not subdivided, the applicant shall indicate his or her intended plans for disposition of the remainder of the parcel.

(c) Procedure.

(1) Preapplication conference. A preapplication conference shall be held with the Manager.

(2) Planning Commission. The FDP shall be submitted to the Planning Commission for review and comments at a public hearing after notice has been provided by publication, mailing and posting pursuant to Section 16-2-60.

(3) Board of Trustees. The Board of Trustees shall render a final decision on the FDP after a public hearing after notice has been provided by publication, mailing and posting pursuant to Section 16-2-60.

(d) Submittal requirements. In addition to the standard submittal materials required by the Superior Development Application Standards, the following materials shall be submitted with the application:

(1) Final engineering plans.

(2) Final landscape plan.

(3) Final circulation and parking plan.

(4) All dedications, reservations or agreements concerning parks, school sites and access roads, which shall be subject to Board of Trustees approval. Where such action involves another public agency, a letter of clearance from that agency shall accompany the FDP plat application.

(5) An official signed deed dedicating or reserving certain tracts or the development rights to such tracts for local use as may have been agreed to at the time the PD plan was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.

(6) Proof of payment of all fees due to the Town and SMD1 or cost of all required public improvements for the area included in the FDP and all off-site improvements designated as an integral part of the improvements related to the final FDP shall be submitted prior to recording any approved FDP documents. Such improvements shall include but not necessarily be limited to streets, roads, paving, curb and gutter, sidewalks, storm sewers, sanitary sewers including collectors and outfall lines, water distribution and transmission lines, fire hydrants, street lights, street signs, traffic control devices, survey monuments, culverts, bridges and landscaping features.

(7) An executed copy of any subdivision improvement agreements applicable to the FDP.

(8) Where a homeowners' association or other entity is to be used for the administration and maintenance of private roads or open space and recreational facilities, a binding and perpetual agreement in regard to maintenance and access control, including provisions for:

a. Adequate funding and self-enforcement by the homeowners' association of the terms contained in the agreement.

b. Continuous safety inspections and immediate follow-up maintenance to correct unsafe conditions.

c. Receiving and processing complaints by authorized users of the private roads or open space and recreational facilities.

- d. Requiring written permission from the Board of Trustees before the association can be dissolved.
- (9) When a new street will intersect with a state highway, a copy of the state highway access permit.
- (10) An updated narrative describing final uses, densities and other development parameters as provided for in the PD plan approval.
- (11) Certification of inclusion of the land represented by the FDP in any municipal or quasi-municipal districts formed for the purpose of providing sanitary sewer service and which has jurisdiction in the area platted.
- (12) Certification from any special district having jurisdiction that all applicable fees have been paid relative to the FDP, including sewer connection fees or plant investment fees, or that an agreement has been executed acceptable to the district for such payment.
- (13) A certified or suitable check payable to SMD1 for the applicable water tap fees or plant investment fees, or a contract for payment of said fees in a form acceptable to the Town.
- (14) The following minimum data:
- a. Street construction plans and profiles shall include:
 - 1. Sufficient data to show how to construct major structures and road appurtenances, such as bridges, large culverts, curbs, drives, walks and cross pans. Detail should include orientation, line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality and specifications.
 - 2. A structural street section design report shall be submitted for review by the Town. The design criteria set forth in the Town's Roadway Design Criteria and Standards shall be used in the preparation of the final street construction plans and profiles.
 - b. Final drainage plans and reports shall include:
 - 1. Plans and specifications detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams and energy dissipaters.
 - 2. Flow line profiles and layout elevations at minimum one-hundred-foot stations, and natural ground elevations shown to indicate any significant irregularities for all proposed conduits, channels and structures.
 - 3. Cross-sections of each water carrier showing high water elevations and adjacent features which may be affected thereby.
 - 4. Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert.

5. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal.

6. A drainage report including the supporting calculations for runoffs, times of concentration and flow capacity with all assumptions clearly stated and with proper justification when needed or requested.

7. A final drainage plan in conformance with the design criteria set forth in the Town's Roadway Design Criteria and Standards.

c. Final utility plans and profiles shall include:

1. Plans and specifications detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed in the area included in the final plat, and any off-site facilities related to the above-described utilities which may be considered an integral part of the utilities plan for the subdivision.

2. Water utility facilities design in compliance with the criteria established by the Town, SMD1 or other special district of competent jurisdiction.

3. Sewer utility facilities design in compliance with the criteria established by the Town, SMD1 or other special district of competent jurisdiction.

(15) Materials and color sample boards for structures and signs. Where practical, all wall materials and color samples for walls shall be a minimum of twelve (12) square inches in size.

(16) A description of proposed snow removal methods. (Ord. O-10 §1, 2010)

Sec. 16-10-50. FDP amendments.

(a) The FDP as finally approved shall be binding and shall not be changed during the construction of the PD except upon application to the appropriate agency under the following procedures:

(1) Minor changes in locations, siting, bulk of structures, height or character of building may be authorized by the Manager if they do not exceed the thresholds established in Section 16-2-90.

(2) All other changes in use, any rearrangement in lots or changes in the provision of open space shall be considered by the Planning Commission and the Board of Trustees as a new plan.

(b) Fees. All costs for review of FDP amendments incurred by the Town shall be paid by the applicant. (Ord. O-10 §1, 2010)

Sec. 16-10-60. PD and FDP expiration.

(a) PD plan and FDP approvals shall expire after the following time limits unless extended by the Board of Trustees after a public hearing. In the case of the expiration of a PD plan, the property in question may be reverted to its original zoning or, in the case of property that was annexed and zoned PD, the property may be reverted to the Agricultural-Urban Reserve (A-UR) District classification.

No reversion shall occur until after a hearing by the Board of Trustees and a decision by the Board of Trustees rezoning the affected property.

(b) The grace period for filing a PD plan from the date of administrative approval is twelve (12) months. PD plans expire at the end of the grace period of this Subsection unless an FDP is filed within the grace period.

(c) The grace period for filing a FDP from the date of approval of a PD plan is twenty-four (24) months. FDPs are valid for a period of three (3) years from date of approval or for the period of vesting pursuant to Article XII. (Ord. O-10 §1, 2010)

ARTICLE XI

Site Development Plans

Sec. 16-11-10. Purpose.

The purpose of the site development plan (SDP) process is to ensure careful thought and analysis about how land development projects are designed and planned in zone districts other than a PD District. Failure to substantially comply with the Town's design standards is grounds for rejection of the SDP. (Ord. O-10 §1, 2010)

Sec. 16-11-20. Exemption.

(a) Single-family and duplex residences. An SDP approval is required by the Town prior to any development of all property and all use types except for single-family detached and duplex residences and their accessory uses constructed or placed on zoned lots allowing these uses.

(b) Plot plan. A plot plan, building plans and specifications for single-family detached residences and duplexes and their accessory uses is required as part of any building permit application. The plot plan will be reviewed by the Manager prior to issuing a building permit. Plot plans shall include a site boundary definition, location of all new and existing structures, accessory structures, easements, parking, driveways, drainage locations and grades. (Ord. O-10 §1, 2010)

Sec. 16-11-30. Procedures.

(a) Preapplication conference. A preapplication conference shall be held with the Manager.

(b) Planning Commission review and comment. Following a public hearing after notice provided by publication, mailing and posting, as set forth in Section 16-2-60, the Planning Commission shall review and comment on the SDP.

(c) Board of Trustees decision. Following a public hearing after notice provided by publication, mailing and posting, as set forth in Section 16-2-60, the Board of Trustees shall render a final decision on the SDP.

(d) Expiration. An approved SDP shall expire eighteen (18) months from the date of final approval thereof unless prior to such date a building permit has been issued and work is diligently pursued to complete the improvements as provided by an approved SDP, or the property owner has requested and received an extension from the Board of Trustees. (Ord. O-10 §1, 2010)

Sec. 16-11-40. Submittal requirements.

(a) Application. In addition to the standard submittal materials required by the Superior Development Application Standards, the following shall be submitted with the SDP application, provided that Paragraphs (2), (3), (4), (5) and (6) may be waived by the Manager based on the size and scope of the project:

(1) Description of the proposed development schedule and phases of development when construction will not be in one (1) phase.

(2) A traffic study by a professional traffic engineer which describes the impacts of the proposed development on the existing or proposed street system and measures and means for dealing with these impacts. The study may also include a circulation and parking analysis report for the proposed development.

(3) An environmental study, including a wildlife inventory, prepared by a professional wildlife biologist or ecologist for the analysis of environmental issues, opportunities or constraints, as well as a list of species, both flora and fauna, found on the site.

(4) A drainage plan and study prepared by a professional engineer detailing the analysis and method for directing the run-off from the site and detaining the run-off over and above the historical flow.

(5) A soils report and map and geological and subsidence investigation report prepared by a professional engineer.

(6) A fiscal impact report.

(7) Accompanying the narrative exhibit will be a graphic map that shows existing site characteristics including:

a. The zoning, easements of record, existing structures, other improvements and vegetation on the site, as well as view corridors to and from the site. Structures to be removed should be indicated as such.

b. For all surrounding property within five hundred (500) feet, this study shall indicate as-built density and the name of the subdivision. It shall also include the existing structures, parking areas, public and private streets, including dimensions and median and curb cuts, pedestrian and transit facilities, drainage facilities and landscaping and fire hydrant locations.

(8) Improvements agreement and performance guarantee, as applicable.

(b) Drawings. In addition to meeting the standard drawing requirements set forth in the Superior Development Application Standards, the SDP drawings shall include the following:

(1) A site plan showing all proposed improvements, in detail, including:

a. Property dimensions, including lot lines and lot design.

b. Dimensions and location of all proposed structures, their footprints and height, the number of floors, number of dwelling units, all overhangs or protrusions into the public or private access routes, location of entrances and loading points. All structures shall be dimensioned and their locations shall be tied out, meaning sufficient information to determine the coordinates of any corner of any structure. Any structure within ten (10) feet of an easement shall show the distance between the closest point of the structure to the nearest point of the easement. Note total building coverage: percent and square footage. Include setback dimensions from property lines.

c. Name and dimension of all public and private road rights-of-way, points of access on or adjacent to the proposed site and surface materials.

d. Location, dimension and surface materials of required off-street parking and loading areas.

e. The structure's use for parking calculations, the gross floor area and the number of vehicle trips generated by the various uses on the site. Vehicle trip generation charts by use may be included in the traffic study.

f. Dimensions and locations for all curb cuts, driving lanes, bicycle lanes, pedestrian ways, garages, carports, public transportation pick-up points and mail box kiosks. All public improvements should be labeled, with dimensions, and tied out to property lines.

g. Dimensions and location of all walls, fences and screen plantings adjacent to public rights-of-ways and on the site, particularly around recreational vehicle and equipment storage areas and trash disposal facilities.

h. Location and dimensions of all existing and proposed drainage, utility and other easements, water and sewer lines, water meters and fire lanes and hydrants. Location and size of drainage facilities, and the direction of flow.

(2) A landscape plan showing all landscaping and buffering details, including:

a. Dimensions, square footage, percent of site and location of open space and common areas shall be shown on the plan.

b. Open space requirements for various use categories are set forth in Subsection 16-6-120(c). Percentage calculations for open space shall be shown.

c. Building entrances, pedestrian walks or paths, pedestrian-oriented areas and vehicular drives and exterior parking areas (including dimensions, materials and type of surface finish) shall be noted. Recreation areas, use and general equipment locations, as well as all fences, garden structures and plazas, shall be shown. Construction details showing methods of construction, materials, finishes, colors and the type and location of the irrigation system shall be included. Hand watering is not acceptable.

d. Slopes and mound areas within the site shall be called out as set forth in Article XXI.

e. The plan shall identify and locate plant masses and type of plants.

f. Lawn areas and ground cover areas shall be identified including the square footage of the area and the living and nonliving plant materials to be used.

g. Notes, symbols and general information shall be placed on all landscape plans as required by Article XXI as follows:

1. Landscape installation shall be completed prior to issuance of a certificate of occupancy.

2. A statement or note containing quantity and method of application of suitable soil preparation as determined by soil type. Soil type shall be stated in the note.

3. General description of the automatic irrigation system. If the type of system varies on the site, it shall be so stated.

4. The plan shall show architectural elevations for all structures. All sides of the structure shall be shown. Descriptions of all materials and colors shall be included. Depending on the scale of the project, elevations may be required at the discretion of the Manager. (Ord. O-10 §1, 2010)

Sec. 16-11-50. Supplemental procedures.

(a) Recordation. The approved SDP shall be recorded by the Town upon receipt of the cost thereof from the applicant.

(b) Building permits. Building permits will not be issued unless an SDP or plot plan has been approved by the Town and all conditions thereof and all other requirements imposed by agreement or otherwise have been met.

(c) Certificate of occupancy. No structure shall receive a permanent certificate of occupancy until all public and private improvements shown on the SDP, plat or public improvement agreement for the property are in place and accepted by the Town. Under special circumstances, adequate financial security may be posted in lieu of final completion of all public improvements and a temporary certificate of occupancy issued as determined by the Town.

(d) Amendments. An SDP may be amended with the approval of the Manager and without public notification if the amendment does not exceed the limits of Section 16-2-90. If an amendment does exceed those limits, then a new SDP shall be required. (Ord. O-10 §1, 2010)

ARTICLE XII

Vested Rights

Sec. 16-12-10. General.

This Section provides the procedures necessary to implement Article 68 of Title 24, C.R.S., which establishes a vested property right to undertake and complete development of real property under the terms and conditions of a site specific development plan. No vested rights shall be created within the Town except through a site specific development plan. (Ord. O-10 §1, 2010)

Sec. 16-12-20. Definitions.

For purposes of this Article, site specific development plan (SSDP) means:

- (1) For all uses within the Rock Creek Ranch Area subject to the Final Plat Site Plan (FPSP) as defined in the Rock Creek Final Development Plan (RCFDP) or any amendment thereto;
- (2) For all property zoned PD, an FDP;
- (3) The final plat for single-family detached dwellings;
- (4) For all other properties within the Town, an approved site development plan (SDP);
- (5) For a special or conditional use permit, an approved site development plan for such use; or
- (6) As defined in a development agreement between the Town and the applicant. (Ord. O-10 §1, 2010)

Sec. 16-12-30. Procedures.

(a) Planning Commission review and comment. Following a public hearing after notice provided by publication, mailing and posting, as set forth in Section 16-2-60, the Planning Commission shall review and comment on the SSDP.

(b) Board of Trustees decision. Following a public hearing after notice provided by publication, mailing and posting, as set forth in Section 16-2-60, the Board of Trustees shall render a final decision on the SSDP.

(c) For the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., the applicant shall request the approval in writing at least thirty (30) days prior to the date said approval is to be considered. Failure of the applicant to request such an approval renders the plan not an SSDP and no vested property rights shall be deemed to have been created. (Ord. O-10 §1, 2010)

Sec. 16-12-40. Conditions.

(a) An SSDP shall be deemed approved upon the effective date of the resolution granting final approval of the SSDP. The vested property right shall attach to and run with the property and shall confer upon the applicant the right to undertake and complete the development and use of said property under the terms and conditions of the SSDP, including any amendments thereto.

(b) The Board of Trustees may approve an SSDP upon such conditions necessary to protect the public health, safety and welfare. Failure to abide by such conditions shall result in automatic forfeiture of vested property rights.

(c) If amendments to an SSDP are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original SSDP, unless the Board of Trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment.

(d) The approval of vested property rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the SSDP and creation of vested property rights. (Ord. O-10 §1, 2010)

Sec. 16-12-50. Notice of approval.

(a) Each map, plat or site plan or other document constituting a site specific development plan shall contain the following notice: "This plan constitutes a site specific development plan as defined in Section 24-68-101, et seq., C.R.S., and Chapter 16 of the Superior Municipal Code, available at the Superior Town Hall, 124 East Coal Creek Drive, Superior, Colorado." Failure to include this statement shall invalidate the vested property right.

(b) The Town shall publish a notice describing generally the type and intensity of the use approved, the specific property affected and stating that a vested property right has been created. The notice shall be published once in a newspaper of general circulation in the Town. (Ord. O-10 §1, 2010)

Sec. 16-12-60. Duration.

A vested property right shall remain vested for a period of three (3) years; except that the Board of Trustees may, in its sole discretion, grant vested property rights for a longer period. The vesting period shall not be extended by any amendments to an SSDP unless expressly authorized by the Board of Trustees. (Ord. O-10 §1, 2010)

Sec. 16-12-70. Other provisions unaffected.

Approval of a SSDP shall not constitute an exemption or waiver of any other provision of this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-12-80. Limitations.

(a) Nothing in this Article is intended to create any vested property right, but only to implement Article 68 of Title 24, C.R.S.

(b) Nothing in this Article shall be construed to limit the authority of the Town and an applicant to enter into a development agreement vesting property rights in the applicant, and such agreement shall not be limited or expanded by this Chapter. (Ord. O-10 §1, 2010)

ARTICLE XIII

Dedications and Public Improvements

Sec. 16-13-10. General policy.

The Planning Commission and Board of Trustees, upon consideration of Town circulation and community facility plans and the particular type of development proposed, shall require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for streets, schools, open spaces, parks, public safety and maintenance facilities, historic sites, scenic

areas and other necessary public purposes. All dedications and reservations for parks and open space shall comply with Article XIV. (Ord. O-10 §1, 2010)

Sec. 16-13-20. Public dedications to the Town.

Reference shall be made to the Comprehensive Plan to determine general locations for various public facilities. Dedication of land shall be made at the time of final plat in any combination of the following, as determined by the Town:

- (1) By dedicating land to the Town in fee simple on the final plat;
- (2) By deeding the land in fee simple to the Town; or
- (3) By payment of fees-in-lieu of land. (Ord. O-10 §1, 2010)

Sec. 16-13-30. Nonresidential subdivisions.

For nonresidential subdivisions, an exaction of four percent (4%) of land or equivalent fees for public facilities will be required by the Planning Commission and Board of Trustees at the time of subdivision. The allocation of land or fees for public facilities shall be made by the Board of Trustees upon recommendation of the Planning Commission. For mixed-use subdivisions, exactions for residential and nonresidential uses will be based on the proportion of the land associated with commercial and residential use. (Ord. O-10 §1, 2010)

Sec. 16-13-40. Residential subdivisions.

(a) The applicant shall provide land for public facilities to serve the proposed subdivision and the future residents thereof, including:

- (1) Parks.
 - a. A tot lot for every one hundred (100) dwelling units, or portion thereof, which shall be constructed within the subdivision. A tot lot shall be at least one-half ($\frac{1}{2}$) acre and include playground equipment and sprinklered landscaping.
 - b. A community or neighborhood park for every three hundred (300) dwelling units, or portion thereof, which may be constructed within the subdivision. A community park shall be at least five (5) acres and include active play areas and sprinklered landscaping.
 - c. A regional park for every three thousand (3,000) dwelling units or portion thereof which may be constructed. A regional park shall be at least twenty (20) acres and include an active play area and irrigated landscaping.

(2) Schools. Land for school purposes of 0.0147 acres for every dwelling unit or portion thereof, within the subdivision, to serve the elementary, middle and high school public school needs of the residents of such dwelling units.

(b) If there is not sufficient property to provide land for the entire school or park required, with the approval of the Town, the applicant shall pay fees-in-lieu of the equivalent land which would have been dedicated. Fees are calculated as follows:

(1) Fees shall be calculated based on the fair market value of the land assuming the plat has been approved and proper zoning exists.

(2) Fair market value shall be determined by mutual agreement between the applicant and the Board of Trustees. If the parties cannot agree on the value, the applicant shall submit to the Town a written appraisal from a qualified appraiser meeting the value requirements set forth herein. The applicant shall pay the cost of said appraisal.

(3) Such appraisal shall be submitted during the review period of the final plat. If the Planning Commission or Board of Trustees believes that the appraised value is not accurate, it may obtain its own appraisal from a qualified appraiser.

(4) Fees-in-lieu of dedications shall be paid prior to the approval of the final plat unless otherwise agreed by the Board of Trustees.

(5) For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the Planning Commission or Board of Trustees realizing that, by virtue of developing one (1) phase, the value of the undeveloped adjacent phase will increase.

(c) Fees-in-lieu shall be payable to the Town. Land for schools may be transferred and conveyed to the school district pursuant to an agreement between the Town and the school district. (Ord. O-10 §1, 2010)

Sec. 16-13-50. Special conditions for dedicated public purpose lands.

Unless otherwise determined by the Board of Trustees in its sole discretion, the following land shall not be used to fulfill dedication requirements:

(1) Natural drainageways, streams, gullies and rivers, including all lands within the floodway.

(2) Rights-of-way or easements for irrigation ditches and aqueducts.

(3) Steep, rugged and hazardous geological land areas, and such other areas that are not conducive for use as public purpose sites. (Ord. O-10 §1, 2010)

Sec. 16-13-60. Review of major public improvements and design.

All major public improvements shall be reviewed and a decision rendered by the Board of Trustees following a public hearing after review and comment by Town staff and review and comment at a public hearing by the Planning Commission. Notice of the public hearings shall be published pursuant to Section 16-2-60. At the discretion of the Manager, all other public improvements that are minor in scale with a minor impact shall be submitted to the Manager for review and approval. Submittal requirements for major and minor public improvement projects shall be determined by the Manager on a case-by-case basis. (Ord. O-10 §1, 2010)

ARTICLE XIV

Recreational Facilities and Open Space

Sec. 16-14-10. Required reservations.

(a) All residential developments or developments that include a residential component through dedication, fees-in-lieu or private reservation shall provide for the expected recreational needs of their future residents as required by this Chapter.

(b) Park contribution requirements shall be determined at the preliminary plan review and the requirements for either land dedication or in-lieu fee for public dedication decided at the final approval stage. Land dedication will be required only if a proposed park facility is located on or near the proposed development and if land dedication could logically contribute to the development of the proposed park.

(c) Additional open space set-aside requirements of the zone district may be dedicated and reserved for private homeowners' associations or operated by special districts as appropriate. The Town reserves the right to accept or reject park and open space land dedications and require fees in lieu of such dedications upon a determination that the land proposed to be dedicated is not suitable for the intended public purpose use.

(d) The Board of Trustees may permit minor deviations from these standards when it determines that:

(1) The objectives underlying these standards can be met without strict adherence to them; and

(2) Because of peculiarities in the applicant's tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.

(e) Floodplain and floodway areas may be considered as public open space and may be dedicated to the Town or SMD1, as determined by the Town. (Ord. O-10 §1, 2010)

Sec. 16-14-20. Usable open space.

(a) Every development shall be planned so that a land area as specified by the zone district and as may be identified by the Comprehensive Plan remains permanently as usable open space.

(b) Excluded areas may be considered usable open space at the discretion of the Planning Commission and Board of Trustees if they find that they are designed in a high quality manner and would be an asset to the development.

(c) All developments shall provide a trail or sidewalk system to accommodate pedestrian and bicycle circulation and access to public amenities and facilities. Generally, trails shall be located outside of sensitive habitat areas.

(d) All developments shall provide a publicly accessible park facility within one-half (½) mile or less from every proposed residential dwelling unit, unless it is shown that an existing park facility is

located within one-half (½) mile from every proposed dwelling unit in the development. Indicate this distance graphically on site plan submittals.

(e) All developments shall provide a publicly accessible trail system within one-half (½) mile or less from every proposed residential dwelling unit, unless it is shown that an existing trail system is located within one-half (½) mile from every proposed dwelling unit in the development. (Ord. O-10 §1, 2010)

Sec. 16-14-30. Ownership and maintenance.

(a) Recreation facilities and open space provided by the applicant in accordance with this Chapter that are not dedicated to the public shall remain under the ownership and control of the applicant or its successor, a homeowners' association or a similar organization unless the Board of Trustees desires to accept all or a portion of such property.

(b) The person or entity identified in Subsection (a) hereof as having ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. (Ord. O-10 §1, 2010)

Sec. 16-14-40. Dedication.

(a) If any portion of a lot proposed for residential development lies within an area designated by the Town as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding ten percent [10%] of the total development area parcel) shall be included as part of the area set aside to satisfy the requirement of Section 16-14-20. This area shall be dedicated to public use.

(b) If more than ten percent (10%) of a development parcel proposed for residential development lies within an area designated as provided in Subsection (a), the Town may attempt to acquire the additional land in the following manner:

(1) The applicant may be encouraged to dedicate the common open space thereby created to the Town; or

(2) The Town may purchase or condemn the land. (Ord. O-10 §1, 2010)

Sec. 16-14-50. Protection of wildlife habitat and habitat corridors.

(a) All development applications for rezoning, major subdivisions and PDs shall include a flora and fauna habitat inventory for the proposed development site, with particular attention paid to identifying any and all federally registered endangered species.

(b) All developments containing existing reservoirs or drainageways shall be designated so as to protect any significant wildlife habitat or corridor associated with the reservoir or drainageway, and to provide amenities for public use. Floodways shall be left in a natural state, except as approved by the Town. (Ord. O-10 §1, 2010)

Sec. 16-14-60. Development standards for usable open space.

(a) All developments shall provide trail amenities such as trailheads with adequate parking, bicycle racks, trash receptacles, recycling bins, appropriate signage and maps.

- (b) Park facilities and trails shall be installed in the first phase of a development.
- (c) Proposed trail corridors shall be a minimum of fifty (50) feet in width at all points.
- (d) Trails adjacent to McCaslin Boulevard shall be detached regional trails. (Ord. O-10 §1, 2010)

ARTICLE XV

Public Improvements

Sec. 16-15-10. General.

All on- and off-site public improvements shall be designed and constructed according to applicable standards, subject to Town approval. An improvement agreement shall be required prior to approval of any plans including public improvements.

(1) Where off-site improvements are necessitated by the proposed development, the applicant may be required, at his or her sole expense and as a condition of approval, to provide and install such improvements.

(2) The following improvements shall be required, at a minimum:

- a. Street grading and surfacing.
- b. Curbs and gutters, if required.
- c. Sidewalks, if required.
- d. Sanitary sewer laterals where required.
- e. Storm sewers or storm drainage system, as required.
- f. Water distribution system, where applicable.
- g. Street signs at all street intersections; traffic signals where required.
- h. Permanent reference points.
- i. Other facilities as may be specified or required in these regulations by the Planning Commission or Board of Trustees.

(3) Where it is determined that properties outside the development will also be benefited by off-site improvements, the improvement agreements may, at the Town's discretion, provide either for a pro rata share of the costs of the improvements to be paid by the applicant, or that a cost recovery agreement will be prepared so that the applicant can be repaid for the cost of improvements that benefit other properties. (Ord. O-10 §1, 2010)

Sec. 16-15-20. Guarantee.

No development permit shall be issued until the applicant has submitted, and the Board of Trustees has approved, one (1) or a combination of the following:

(1) A development improvement agreement binding the applicant to construct any required improvements shown in the approved development permit or final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with design and time specifications;

(2) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required improvements shown in the approval development permit or final plat documents which, in the judgment of the Board of Trustees, make reasonable provision for completion of said improvements; and

(3) One (1) or more security arrangements, including irrevocable letters of credit, cash or other performance guarantees acceptable to the Town. Monies to be placed in escrow shall cover one hundred ten percent (110%) of the entire cost of all required improvements. Detailed cost estimates for public improvements from qualified estimators shall be provided to support the amount of letters of credit and escrow accounts. (Ord. O-10 §1, 2010)

Sec. 16-15-30. Warranty.

The applicant shall warrant all public improvements for two (2) years from preliminary acceptance. The warranty shall be secured by cash, a letter of credit or other performance guarantee acceptable to the Town in the amount of twenty-five percent (25%) of the costs of construction of the public improvements. (Ord. O-10 §1, 2010; Ord. O-5 §1, 2013)

ARTICLE XVI

Temporary, Special and Conditional Use Permits

Sec. 16-16-10. Temporary use permits.

(a) General. Temporary uses require a permit prior to implementation, and are activities of short duration having a minimal impact on the Town and requiring no permanent infrastructure or facilities, including without limitation employee-hiring trailers, construction offices/ trailers on construction sites, temporary storage of construction materials, road materials batch plants, bazaars or tent sale events on private property, structures not attached by permanent foundations and other similar uses as allowed by the zone district. Temporary uses also include whole or partial structures, used or new, that need to be temporarily stored on the site to which they will be permanently anchored. Garage sales in residential districts which meet all applicable requirements of the Town do not require a permit.

(b) Submittal requirements:

(1) The name, address and phone number of the applicant on a completed application form supplied by the Town.

(2) A description of the proposal, including a discussion of hours of operation, potential noise impacts, parking accommodation, impacts on adjacent property, any associated signs or lighting, and provision for temporary utility services, as applicable.

(3) Applicable fee.

(4) Any other information deemed appropriate by the Manager for complete review of the application.

(c) Notice. Notice shall be by posting only, pursuant to Section 16-2-60, except that if the matter is heard by the Planning Commission as set forth in Subsection (d), notice of the hearing shall be published by publication, posting and mailing, pursuant to Section 16-2-60.

(d) Procedure. The Manager shall review and issue a decision regarding temporary use applications, except that, if any property owner within five hundred (500) feet of the proposed use files an objection within ten (10) days of posting of the notice of the application, the application shall be considered by the Planning Commission at a public hearing. If the Planning Commission finds that the proposed use does not meet review criteria, the temporary use application shall be denied and the applicant may apply for a conditional or special use permit.

(e) Criteria. The following criteria shall be evaluated to determine whether to approve a temporary use:

(1) The proposed temporary use will not result in grading or other permanent alterations to the site, or environmental damage;

(2) The proposed temporary use will not result in the erection or installation of permanent buildings or structures;

(3) The proposed temporary use will not adversely affect surrounding uses and will provide adequate parking for its intended use. Such temporary parking need not strictly comply with the parking requirements of this Chapter. However the burden of proof of no adverse impact and of safe, adequate parking remains with the applicant;

(4) The duration of the temporary use permit is for no more than six (6) months; and

(5) No formal objections are filed by owners of real property within five hundred (500) feet of the subject property.

(f) Duration. All temporary use permits shall expire on the date stated on the permit, which in no event shall be more than six (6) months. It is unlawful to fail to remove from the property, within fifteen (15) days after expiration of a temporary use permit, all temporary structures and improvements not permitted in the zone district. (Ord. O-10 §1, 2010)

Sec. 16-16-20 Additional requirements for certain temporary uses.

(a) Temporary emergency, construction or repair residence.

(1) Temporary residences used on construction sites or nonresidential premises shall be removed immediately upon the completion of the project and within ten (10) days of issuance of a certificate of occupancy.

(2) Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential building on a site shall expire within six (6) months after the date of issuance, except that the Manager may renew such permit for one (1) additional period not exceeding three (3) months if he or she determines that renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

(b) Temporary sales offices and development management operations in existing structures.

(1) Temporary sales or development management operations offices may be located in existing structures (nonresidential, nonconforming, agricultural and residential) on property that has a formal development application with the Town and is proceeding through the development review process. Where such use involves renovations to the existing structure, such renovations are subject to any Building Code requirements as applicable.

(2) Temporary offices are deemed to be a commercial use. Upon review and approval of a zoning plan, final development plan or final subdivision plat that determines ultimate use of the structure or the land on which it exists, such use shall conform to said approved plans or plat within six (6) months of the date of approval of such plans or plat. An additional extension of the originally approved time limit of no more than six (6) months may be made only under extraordinary circumstances as determined by the Manager. If additional extensions are necessary, the applicant shall seek a special or conditional use permit.

(c) Special events.

(1) A permit for a special event may be issued if the Town determines:

a. The hours of operation allowed shall be compatible with the uses adjacent to the activity and shall cease, each day, no later than 11:00 p.m.

b. The amount of noise generated shall not disrupt the activities of adjacent land uses and shall not exceed the standards of this Chapter for commercial and industrial uses.

c. The applicant shall guarantee that all litter generated by the special event shall be removed and all damages to property, including landscaping, shall be repaired at no expense to the Town.

d. The Town shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

(2) The special event does not harm the public health, safety or welfare.

(3) The Town may require the applicant to post a security to ensure compliance with the conditions of the temporary use permit.

(4) If the applicant requests the Town to provide extraordinary services or equipment or if the Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall pay a fee sufficient to reimburse the Town for the costs of these services. (Ord. O-10 §1, 2010)

Sec. 16-16-30. Conditional use permits.

(a) General. Conditional uses are uses that are normally associated with uses-by-right in a zone district but, because of potential impacts, a site development plan (SDP) is required to assess and mitigate these potential impacts.

(b) Submittal requirements. An application for a conditional use permit shall include the following:

(1) The name, address and phone number of the applicant on a completed application form supplied by the Town.

(2) Narrative description of the proposal.

(3) Names and addresses of all property owners within five hundred (500) feet of the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the Boulder or Jefferson County Assessor, or an ownership update from a title company.

(4) Legal description of the property affected.

(5) Vicinity map.

(6) Site development plan drawing pursuant to Section 16-11-40.

(7) Any other information deemed appropriate by the Manager for complete review of the application.

(c) Procedure.

(1) Preapplication conference. The applicant may attend a preapplication conference with Town staff to discuss the submittal requirements and review process.

(2) Submittal. A complete application shall be submitted.

(3) Staff review and comment. Staff shall review the application for completeness and either inform the applicant of the deficiencies or forward it along with a staff report to the Planning Commission.

(4) Planning Commission hearing. After notice has been provided by publication and posting pursuant to Section 16-2-60, the Planning Commission shall hold a public hearing to decide whether to approve the application.

(d) Criteria. The Planning Commission shall consider the following criteria:

(1) Whether the conditional use will satisfy all applicable provisions of this Chapter and subdivision regulations unless a variance is being requested.

(2) Whether the conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

(3) Whether the conditional use will be adequately served with public utilities, services and facilities and not impose an undue burden above and beyond those of the permitted uses of the district.

(4) Whether the conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

(5) Whether the conditional use will result in efficient on- and off-site traffic circulation with no significant adverse impact on the adjacent uses or hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) Whether the potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;
- c. Light;
- d. Noise;
- e. Odor;
- f. Building type, style and scale;
- g. Hours of operation;
- h. Dust; and
- i. Erosion control.

(7) Whether all applicable local, state and federal permits have been or will be obtained. (Ord. O-10 §1, 2010)

Sec. 16-16-40. Special use permits.

(a) General. Special uses are specific uses of land or buildings or combination thereof which, because of their unique characteristics, cannot be classified as a use-by-right or conditional use. These uses are extraordinary in nature. Zone districts may contain a list of special uses that require review of an SDP prior to approval.

(b) Submittal requirements. An application for a special use permit shall include the following:

(1) The name, address and phone number of the applicant on a completed application form supplied by the Town.

(2) Narrative description of the proposal.

(3) Names and addresses of all property owners within five hundred (500) feet of the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the Boulder or Jefferson County Assessor, or an ownership update from a title company.

(4) Legal description of the property affected.

(5) Proof of ownership in the form of a title policy or title commitment, including a schedule of exceptions to title, dated within sixty (60) days of the application, showing that the applicant is the fee title owner of the subject property.

(6) Vicinity map.

(7) Site development plan drawing conforming to the SDP submittal requirements in Section 16-11-40.

(8) Certified boundary survey, monumented with legal descriptions.

(9) Performance guarantee, if applicable.

(10) A written discussion explaining conformance with special use criteria, water and sewer system contemplated, and the street and circulation system contemplated and connections to off-site streets.

(11) Any other information deemed appropriate by the Manager for complete review of the application.

(c) Review process.

(1) Preapplication conference. The applicant may attend a preapplication conference with Town staff to discuss the submittal requirements and review process.

(2) Submittal. A complete application shall be submitted.

(3) Staff review and comment. Staff shall review the application for completeness and either inform the applicant of the deficiencies or forward it along with a staff report to the Planning Commission.

(4) Planning Commission hearing. After notice has been provided by publication and posting, pursuant to Section 16-2-60, the Planning Commission shall hold a public hearing on the application and make a recommendation to the Board of Trustees.

(5) Board of Trustees hearing. After notice by publication and posting pursuant to Section 16-2-60, the Board of Trustees shall hold a public hearing on the application and shall approve, approve with conditions or reject the application.

(d) Criteria. The Planning Commission and Board of Trustees shall consider whether the special use would:

- (1) Materially endanger the public health or safety;
- (2) Substantially injure the value of adjoining or abutting property;
- (3) Be in harmony with the area in which it is to be located;
- (4) Impact surrounding properties or the Town in general in ways that are not adequately mitigated as proposed by the applicant;
- (5) Result in an adverse environmental impact; or
- (6) Be in general conformity with this Chapter, other applicable Town ordinances and the Comprehensive Plan. (Ord. O-10 §1, 2010)

Sec. 16-16-50. Additional requirements.

(a) In granting a special or conditional use permit, the Board of Trustees or Planning Commission may attach to the permit reasonable conditions that will ensure that the development will preserve the public health, safety and welfare, including limiting the permit to a specified duration of time.

(b) All conditions shall be included within the resolution approving the permit, which resolution shall be considered part of the permit.

(c) All conditions shall be enforceable in the same manner and to the same extent as any other applicable requirement of this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-16-60. Expiration.

(a) Permits expire automatically if:

(1) Within one (1) year after the issuance of such permit, there is no substantial construction, erection, alteration, excavation, demolition or similar work or use of the property in furtherance of the permit; or

(2) Work under a permit is discontinued for a period of six (6) months.

(b) If requested by the applicant, the Manager may extend the duration of permit by up to six (6) months if:

(1) The permit has not yet expired;

(2) The permit recipient has proceeded with due diligence and in good faith; and

(3) Conditions have not changed so substantially as to warrant a new application.

(c) Successive extensions may be granted for periods up to six (6) months upon the same findings. All such extensions may be granted without resorting to the formal processes and levying the fees required for a new permit.

(d) Temporary, special use and conditional use permits run with the land unless the permit states otherwise. Any successor in interest to such approval shall be subject to all terms and conditions of such approval and all laws, rules or regulations then applicable. (Ord. O-10 §1, 2010)

Sec. 16-16-70. Reconsideration.

If any Commission or Board denies an application for a temporary, conditional or special use permit, such final action may not be reconsidered by the Commission or Board for a period of one (1) year. (Ord. O-10 §1, 2010)

ARTICLE XVII

Streets and Sidewalks

Sec. 16-17-10. Street plan and specifications.

The arrangements, classification, extent, width, grade and location of all streets shall be designed in relation to existing and planned streets, topographical conditions, public convenience and safety and the proposed uses of the land to be served by such streets. Street construction specifications have been adopted as the Town of Superior Roadway Design Criteria and Standards, and this document is available from the Town. Streets shall be constructed according to these specifications and, where standards in this Chapter conflict with the standards of the Town's Roadway Design Criteria and Standards, the Town's Roadway Design Criteria and Standards shall govern. (Ord. O-10 §1, 2010)

Sec. 16-17-20. Street classification.

In all new developments and subdivisions, streets that are dedicated to public use shall be classified as follows:

(1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.

(2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.

(3) When a subdivision street continues an existing street that formerly terminated outside the subdivision or is expected to be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision. (Ord. O-10 §1, 2010)

Sec. 16-17-30. Coordination with surrounding streets.

(a) The street system of a development or subdivision shall be coordinated with existing, proposed and anticipated streets outside it in existing or future neighborhoods or outside the portion of a single tract that is being divided into lots as provided in this Section.

(b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

(c) Subcollector, local and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

(d) When connections to anticipated or proposed surrounding streets are required by this Section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property or to the edge of the remaining undeveloped portion of a single tract at the point where the connection to the anticipated or proposed street is expected. In addition, the Town may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. No temporary dead-end street in excess of one thousand (1,000) feet may be created. (Ord. O-10 §1, 2010)

Sec. 16-17-40. Street width, sidewalk and drainage requirements.

(a) Street rights-of-way shall be designed to:

- (1) Carry motor vehicle traffic and, in some cases, allow on-street parking;
- (2) Provide a safe and convenient passageway for pedestrian traffic;
- (3) Allow for the addition of on-street or off-street bike paths; and
- (4) Serve as an important link in the Town's drainage system.

(b) Local and minor collector streets may be constructed only in areas zoned A-UR and OS-R with six-foot-wide shoulders and drainage swales on either side in lieu of curb and gutter, if the street grade does not exceed a grade of six percent (6%). Such streets shall be constructed to meet the criteria set forth in the Town's Roadway Design Criteria and Standards. No curb, gutter or sidewalks shall be required unless these zone districts connect to any other zone districts.

(c) Streets shall be constructed with curb and gutter and shall conform to the requirements of the Town's Roadway Design Criteria and Standards. Street and pavement widths shall be measured from flowline to flowline of the curb and gutter sections. (Ord. O-10 §1, 2010)

Sec. 16-17-50. Bicycle lanes.

(a) To facilitate bicycle transportation, the Town may require additional street width and right-of-way to be added to the standard roadway widths to accommodate bicycle lanes pursuant to the Town's Roadway Design Criteria and Standards.

(b) Off-street bikeways shall have right-of-way reserved and dedicated pursuant to the Town's Roadway Design Criteria and Standards. (Ord. O-10 §1, 2010)

Sec. 16-17-60. Public and private streets in subdivisions.

(a) Except as otherwise provided in this Section, all lots shall abut a public street at least to the extent necessary to comply with this Article. For purposes of this Section, the term *public street* includes a preexisting public street, as well as a street created by the applicant that meets the public street standards of this Chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of a plat shall constitute an offer of dedication of such street.

(b) No final plat with lots served by private streets may be recorded unless the final plat contains the following notations:

(1) "Further subdivision of any lot shown on this plat as served by a private street may be prohibited by the Superior Municipal Code."

(2) "The policy of the Town of Superior is that, if the Town improves streets (i) that were never constructed to the standards required in the Integrated Code for dedicated streets, and (ii) on which seventy-five percent (75%) of the dwelling units were constructed after the effective date of this Chapter, then one hundred percent (100%) of the costs of such improvements shall be assessed to abutting landowners."

(3) A clear statement that each private street is a private street. Further, the initial purchaser of a newly created lot served by a private street shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street.

(c) All streets that shall be owned or dedicated to a homeowners' association shall be constructed to public street construction standards. (Ord. O-10 §1, 2010)

Sec. 16-17-70. Pedestrian and bicycle circulation.

(a) Effective minimum walkway width shall be five (5) feet. Walkways along collector and arterial streets shall be detached unless special circumstances warrant otherwise.

(b) The Town's Roadway Design Criteria and Standards establish additional standards. (Ord. O-10 §1, 2010)

Sec. 16-17-80. Miscellaneous circulation improvement requirements.

(a) Gated developments are prohibited unless approved by the Board of Trustees.

(b) All new development applications shall include an analysis of both planned and existing adjacent alternative transportation provisions. Applicants are encouraged to incorporate any existing alternative transportation provisions where appropriate. Site plans need to graphically depict distances to such existing or planned trails, corridors and public transit facilities from the development boundaries.

(c) The design of roads and other transportation facilities shall contribute to a positive and attractive community image as determined by staff, the Planning Commission and the Board of Trustees.

(1) In new development, internal pedestrian circulation systems, corridors and other site amenities should link and provide connections to existing and planned pedestrian trails (both regional and local) and crossing facilities.

(2) New development adjacent to McCaslin Boulevard is to include site improvements to facilitate linkages between internal pedestrian/bicycle circulation and pedestrian/bicycle crossings. Such crossings may be located on, above or below the grade of the public right-of-way and be designed to separate cyclists or pedestrians from motorized vehicles.

(3) Residential neighborhoods, business centers and adjacent developments need to be connected to strengthen the Town's sense of community and identity and to stimulate commercial synergy. Use of multiple pedestrian/bicycle and local, internal vehicular access/egress routes which minimize indirect and unnecessary travel is encouraged. Traffic calming shall be implemented on connections where cut-through traffic may negatively impact residential neighborhoods.

(4) Recreational hard trails shall be a minimum of eight (8) feet in width, and soft trails a minimum of four (4) feet in width. Vegetation within three (3) feet of each side of the soft trail shall be maintained so that it does not encroach on the trail.

(5) Traffic studies shall be prepared by a licensed traffic engineer identifying impacts on existing and planned street systems. (Ord. O-10 §1, 2010)

ARTICLE XVIII

Utilities

Sec. 16-18-10. Right-of-way standards.

All utilities installed in public or private rights-of-way shall comply with Chapter 11 of this Code. (Ord. O-10 §1, 2010)

Sec. 16-18-20. Easement standards.

(a) Easements shall generally follow rear and side lot lines and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties.

(b) Where front line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet in width extending throughout the peripheral area of the development.

(c) Easements shall be designed so as to provide efficient installation of utilities. Special guying easements may be required at lot corners. Public utility installations shall be so located as to permit multiple installations within the easements. All utilities shall be constructed within approved

easements except for individual service lines. The applicant shall establish final utility grades prior to utility installations.

(d) Where a development or subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water courses. Parallel streets or parkways may be required in connection therewith. (Ord. O-10 §1, 2010)

Sec. 16-18-30. Water utility design standards.

Every principal use and every lot within a development or subdivision shall be served by a central water supply system adequate to meet all reasonable needs and applicable health regulations. All water utility facilities shall be designed and constructed in accordance with the rules and regulations of the Town, SMD1 or other applicable district. Exceptions to this standard may be granted in the A-UR District only after agreement for future connection to central water facilities. (Ord. O-10 §1, 2010)

Sec. 16-18-40. Sewer utility design standards.

Every principal use and every lot within a development or subdivision shall be served by central sewer adequate to meet all reasonable needs and applicable health regulations. Septic systems are not allowed in the Town except as waived by the Town. Sewer utility facilities design shall conform to the criteria set forth in the rules and regulations of the Town, SMD1 or other applicable district. (Ord. O-10 §1, 2010)

Sec. 16-18-50. Lighting.

(a) All public streets, sidewalks and other common areas or facilities in development or subdivisions shall be sufficiently illuminated to provide for the security of property and the safety of persons using such streets, sidewalks and other common areas or facilities. The requirement for illumination shall be balanced against energy conservation concerns, with the most energy-efficient lighting encouraged.

(b) All entrances and exits in substantial buildings used for nonresidential purposes and in multi-family residential developments containing more than four (4) dwelling units shall be adequately lighted to provide for safety of persons and the security of the buildings. Such lighting should generally allow the entrance to be clearly visible from the nearest street or other area that will likely have traffic passing through.

(c) Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it shines directly into a residence, or if the standards adopted by the Town could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties. (Ord. O-10 §1, 2010)

Sec. 16-18-60. Electric power.

(a) Every lot shall have available to it a source of electric power adequate to accommodate the reasonable needs of allowable uses on the lot. Compliance with this requirement shall be determined as follows:

(1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line, no further certification is needed.

(2) If the use is a development or subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider shall review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision or development.

(b) The use of renewable energy is encouraged. (Ord. O-10 §1, 2010)

Sec. 16-18-70. Utilities.

(a) All new telephone, gas distribution, cable television lines and electric power lines other than transformers or enclosures containing electrical equipment. including but not limited to switches, meters or capacitors which may be pad-mounted shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

(b) When it can reasonably be anticipated that utilities constructed in one (1) development will be extended to serve other adjacent or nearby developments, such utilities shall be located and constructed so that extensions can be made conveniently and without undue burden, expense or duplication of service.

(c) All utilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

(d) Transformers shall be grouped with utility meters where possible.

(e) Utility appurtenances, both freestanding and attached to buildings, including telephone pedestals, utility meters, irrigation system backflow preventers and transformers, shall not be visible from adjacent properties, parking areas, public streets and pedestrian walkways, and shall be screened with appropriate landscaping or architectural elements.

(f) Utilities shall tie into existing sanitary and storm sewer and water main stub-outs, if possible, to avoid disturbance to existing pavements.

(g) When an applicant installs or causes to be installed any utility line in any public right-of-way, as soon as practicable after installation is complete and before acceptance of any public improvement, the applicant shall:

(1) Furnish the Town with a copy of a drawing certified by a professional engineer licensed in the State that shows the location of such utility lines, which drawing shall be verified as accurate by the utility service provider; and

(2) Furnish an electronic version of such drawing in a form compatible with the program used by the Town.

(h) If a detention pond is constructed, prior to issuance of a certificate of occupancy, the applicant shall submit to the Town a detention pond volume certification stamped by a State-licensed professional engineer, including as-built information for outlet structures, inlets and contour information. The following statement shall be included with the engineer's seal: "The detention/retention facility substantially conforms with the approved construction drawings and meets the said construction drawings' intentions from a hydraulic standpoint." Should the pond volume deviate from the approved construction drawings as determined by the Town, revised hydraulic calculations shall be required to determine the extent of required modifications. (Ord. O-10 §1, 2010)

Sec. 16-18-80. Fire hydrants.

(a) Every development shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development in accordance with this Code and fire protection standards of the Town.

(b) Fire hydrants shall be located so that all parts of every building within the development may be served from a hydrant by laying not more than five hundred (500) feet of hose connected to such hydrant. However, the fire protection district may authorize or require a deviation from this standard if it determines that another arrangement is necessary for fire protection.

(c) The fire protection district shall determine the precise location of all fire hydrants, subject to this Section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets that have curb and gutter.

(d) The fire protection district shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the district, all hydrants shall have two (2) two-and-one-half-inch hose connections and one (1) four-and-one-half-inch hose connection. The two-and-one-half-inch hose connections shall be located at least twenty-one and one-half (21½) inches above ground level. All hydrant threads shall be national standard threads.

(e) Water lines that serve hydrants shall be at least six (6) inch lines, except dead-end lines, which shall be eight (8) inch lines. (Ord. O-10 §1, 2010)

ARTICLE XIX

Signs

Sec. 16-19-10. Purpose and applicability.

(a) The purpose of this Article is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the Town, by:

(1) Enhancing and protecting the physical appearance of the Town.

(2) Protecting property values.

(3) Promoting and maintaining visually attractive, high value residential, commercial and industrial areas.

(4) Promoting the economic well-being of the community by creating a favorable physical image.

(5) Ensuring that signs are located and designed to:

a. Provide an effective means of way-finding in the community;

b. Afford the community an equal and fair way to advertise and promote its products and services; and

c. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.

(6) Minimizing the disruption of the scenic views which, when maintained, protect important community values.

(7) Affording businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication.

(b) Applicability. This Chapter shall apply to all signs in the Town, except as specifically stated otherwise. A sign may only be erected, established, painted, created or maintained in conformance with the standards, criteria, procedures and other applicable requirements of this Article. Any sign not expressly allowed by this Article or not in conformance with its requirements is prohibited. On properties where mixed uses exist, residential uses shall comply with the sign regulations for residential lots and commercial uses shall comply with the nonresidential property sign regulations. (Ord. O-10 §1, 2010)

Sec. 16-19-20. Exemptions.

The following are exempt from this Article:

(1) Signs not exceeding three (3) square feet in area that are customarily associated with residential uses, such as property identification names and numbers, signs on mailboxes or newspaper tubes and signs posted on private property warning the public against trespassing or danger from animals.

(2) Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation authorized by the law, statute or ordinance under which the signs are erected.

(3) Official signs erected by state or local governments or their contractors or public utility companies to facilitate the construction, maintenance or operation of transportation facilities or to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that such signs do not exceed fifteen (15) square feet in sign area.

(5) Flags of any nation or government or displaying a noncommercial message, provided that such flags do not exceed forty (40) square feet and do not extend over a public right-of-way when unfurled.

(6) Architectural features of buildings or works of art if such features or works of art do not contain letters, trademarks, moving parts or lights and do not display a commercial message.

(7) Any traffic control sign, such as "STOP" or "YIELD," located on public or private property that meets applicable governmental standards pertaining to such sign and does not display a commercial message.

(8) Name plate signs of not more than four (4) square feet in area which are fastened directly to a building and do not project from the face of the building.

(9) Holiday and community special event decorations that do not display a commercial message.

(10) Signs on athletic fields and scoreboards intended for viewing on the property upon which the scoreboard is located.

(11) Signs located inside buildings which are not placed there for the purpose of being visible to and read from the outside of the building and which are not legible from a distance of more than three (3) feet beyond the building in which such sign is located.

(12) Instructional signs on Town property erected by the Town. (Ord. O-10 §1, 2010)

Sec. 16-19-30. Prohibited signs.

The following signs are prohibited in the Town:

(1) Billboards.

(2) Signs incorporating any flashing or moving illumination or with illumination that periodically varies in intensity or color, or signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical pulsations, by actions or normal wind currents, including but not limited to promotional balloons, inflatable devices and the like.

(3) Signs with light sources not shielded by opaque material such that the bulbs, floodlights or tubes are visible off the property on which the signs are located.

(4) Any sign that violates any provision of this Article or constitutes a hazard to public safety, health or welfare.

(5) Signs that, by reason of size, location, content, coloring or manner of illumination or movement, obstruct the vision of drivers when traveling on a roadway, leaving a roadway or entering a roadway.

(6) Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit.

- (7) Abandoned signs.
- (8) Searchlights, pennants and spinners.
- (9) Roof signs or any signs which project above a building wall or parapet.
- (10) Pole-mounted signs.
- (11) Portable signs, except as expressly permitted in Section 16-19-40.
- (12) Signs with exposed cables or electrical raceway mountings, unless the Manager finds that unusual construction problems exist necessitating such cables or raceway mountings.
- (13) Permanent freestanding signs on residential lots.
- (14) Permanent signs in the public right-of-way unless allowed by a revocable license agreement with the Town and conforming to the standards of this Article. (Ord. O-10 §1, 2010)

Sec. 16-19-40. Vehicle signs.

(a) Vehicle signs on vehicles being operated in the normal course of business shall be allowed without a permit and without reference to the regulations set forth in this Article, subject to the following limitations:

(1) The vehicle shall have all required state licenses, license plates and inspection stickers and shall be operable.

(2) The vehicle shall be regularly operated, which means that the vehicle shall leave the property on a regular basis for a business purpose and shall not be parked in excess of twelve (12) continuous hours at a business location. This Subsection shall not be construed to apply to a vehicle used on a regular basis for a business purpose that is taken home during nonbusiness hours and parked or stored on a private residential lot during nonbusiness hours.

(3) The primary purpose of the vehicle shall not be for the display of signs. In determining whether the primary purpose of such vehicles is for the display of signs, the Town shall consider the following criteria:

a. Whether the vehicle is regularly operated as set forth in Paragraph (a)(2) hereof.

b. The location of the vehicle when it is parked on or near the property of the business for which the sign is provided. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way, unless no other alternative parking area is available.

c. Whether the vehicle is parked in a location that is not on or near the property of the business for which the sign is provided in a manner so as to constitute a billboard. The purpose of this Subparagraph shall be to prevent the vehicle from being displayed on or near a major street or public right-of-way without a valid business purpose, such as deliveries or repair work.

(b) Vehicle signs shall be magnetic, have vinyl graphics or be painted directly on the vehicle. (Ord. O-10 §1, 2010)

Sec. 16-19-50. Planned developments.

Signs in a PD shall comply with the sign requirements of the final development plan. If the final development plan does not address a matter regulated by this Article, this Article shall govern. Upon submittal of a final development plan for a PD, the applicant shall have the option of seeking approval of its own sign plan for the PD or meeting the requirements of this Article. (Ord. O-10 §1, 2010)

Sec. 16-19-60. Signs on residential lots.

(a) Signs on residential lots shall comply with the standards set forth in this Section.

(b) Instructional signs. Instructional signs are permitted on residential lots in compliance with the following:

(1) An instructional sign shall not be larger than necessary to serve the intended instructional purpose, shall not exceed three (3) feet in height and shall not exceed six (6) square feet in area.

(2) The number of instructional signs located on any lot shall be the minimum needed to serve the intended purpose.

(3) An instructional sign shall not be legible or attract attention beyond the perimeter of the lot on which it is located.

(c) Temporary signs.

(1) One (1) temporary sign of four (4) square feet in area or less is permitted on each residential lot for up to forty-five (45) consecutive days.

(2) Temporary signs shall not exceed three (3) feet in height and four (4) square feet in area and shall be set back at least three (3) feet from the nearest public right-of-way facility.

(3) Each temporary sign on a residential lot shall include the date the sign is first displayed in the lower right-hand corner.

(4) During election season, one (1) additional temporary sign per ballot issue or per office seat up for election shall be permitted on each residential lot.

(5) For residential lots larger than five (5) acres with a street frontage in excess of four hundred (400) feet, one (1) additional temporary sign not exceeding four (4) square feet is permitted for a period not to exceed forty-five (45) consecutive days.

(d) Temporary subdivision signs. Temporary subdivision signs shall be permitted in residential areas, subject to the following conditions:

(1) For single-family dwelling units, two-family dwellings or townhouses, one (1) temporary subdivision sign shall be permitted per entrance from an arterial or collector road.

(2) For multiple-family dwellings, one (1) temporary subdivision sign shall be permitted per fifty (50) dwelling units.

(3) Temporary subdivision signs may be placed at any entrance to a residential subdivision or development.

(4) The maximum number of sign faces on a temporary subdivision sign shall be two (2) per sign, and the maximum sign face size shall not exceed thirty-two (32) square feet. Such signs shall not exceed eight (8) feet in height or fifteen (15) feet in width and shall be set back at least ten (10) feet from the nearest public right-of-way facility.

(5) Temporary subdivision signs shall be allowed for the duration approved by the Town in the final approval of the subdivision application, and all temporary subdivision signs shall include the date the sign is first displayed in the lower right-hand corner.

(e) Window signs. One (1) sign may be placed in the window of a dwelling unit, provided that the sign does not exceed four (4) square feet in total area and three (3) feet in total height.

Signs on Residential Property Schedule

<i>Type of Sign</i>	<i>Maximum Number</i>	<i>Maximum Area per Sign</i>	<i>Maximum Height</i>	<i>Minimum Setback</i>	<i>Duration</i>
Instructional	Minimum necessary to serve intended purpose	6 sq. ft.	3 ft.	N/A	N/A
Temporary	Generally, 1 sign per lot During election season, 1 additional sign per ballot issue and per office seat	4 sq. ft.	3 ft.	3 ft.	45 consecutive days or as permitted during election season
	For lots in excess of 5 acres with a frontage in excess of 400 feet, 1 additional sign is permitted	4 sq. ft.	3 ft.	3 ft.	45 consecutive days or as permitted during election season
Temporary subdivision	For single-family, two-family and townhouses, 1 sign per entrance from an arterial or collector road, not to exceed 2 signs For multiple-family buildings, 1 sign per 50 dwelling units	32 sq. ft.	8 ft.	10 ft.	Per subdivision approval
Window	1 sign per building for single-family 1 sign per unit for multiple-family	4 sq. ft.	3 ft.	N/A	N/A

(Ord. O-10 §1, 2010)

Sec. 16-19-70. Signs on nonresidential property.

(a) Building signs.

(1) Size. Building signs shall conform to the maximum area limitations set forth herein. The surface area of a wall sign shall not exceed fifteen percent (15%) of the total surface area of the wall on which it is located.

(2) Location.

a. Building signs shall be placed on the walls, awnings, canopies or parapets of the building in compliance with Subparagraph b. hereof.

b. A building wall sign shall not protrude more than twelve (12) inches outward from the wall upon which it is mounted. Wall signs on the first story of the building shall have a minimum distance from grade to the bottom of the sign of twelve (12) feet. The top of the sign shall not exceed fifteen (15) feet above the grade. Second story or top story signs shall be no closer than three (3) feet to the top of a parapet of a wall or roofline. If external lighting is used, reflectors shall be ten (10) feet above the surface of the sidewalk and shall be equipped with wire mesh guards, and no part may extend more than two (2) feet from the wall of the building. No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.

c. Protruding building signs shall be limited to buildings that have a minimum of ten (10) feet of street frontage, provided that:

1. Protruding signs shall have a maximum height of fifteen (15) feet from the ground and a minimum clearance of ten (10) feet from the ground to the bottom of the sign.

2. Protruding signs shall be placed on the building so that the edge of the sign nearest the wall is twelve (12) inches or less from the wall.

3. No protruding sign shall extend more than five (5) feet beyond the building line in the direction of the street, nor shall any portion of any protruding sign be closer than two (2) feet to the face of the street curb or curb line.

4. No single face of a protruding sign shall exceed eight (8) square feet in sign area.

(3) Number. There shall be no more than one (1) building sign for any building unless the building is located on a corner lot or has public entrances on two (2) or more streets, in which case one (1) building sign may be erected for and toward each street.

(b) Pan channel signs. Pan channel signs shall be no more than five (5) inches in depth, and when mounted on the raceway against the wall, the total depth shall not exceed twelve (12) inches. Also see Subsection 16-19-30(12).

(c) Freestanding signs.

(1) Size.

a. A side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area.

b. Subject to Subparagraph c. hereof, a single side of a freestanding sign shall not exceed three-tenths (0.3) of a square foot in surface area for every linear foot of street frontage on the street toward which the sign is primarily oriented; provided that no single side of a freestanding sign shall exceed fifty (50) square feet in surface area if the property on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, seventy-five (75) square feet on property with two hundred (200) feet or more but less than four hundred (400) feet of frontage, and one hundred (100) square feet on property with four hundred (400) feet or more of frontage. No freestanding sign shall exceed one hundred (100) square feet in surface area.

c. For freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under this Paragraph for a single side of a freestanding sign.

(2) Location. Freestanding signs shall comply with applicable building setback requirements.

(3) Number.

a. One (1) freestanding sign is allowed per building.

b. For multiple business facilities, one (1) freestanding sign is allowed per entrance, provided that such sign is located adjacent to major intersecting roadways on the outside perimeter of the parcel.

(4) Height. Freestanding signs shall not exceed ten (10) feet in height.

(5) Multiple occupant facilities. When a freestanding sign is constructed on property that has more than one (1) occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the buildings, the anchor occupant, all occupants or some combination thereof.

(d) Changeable copy signs; size. Changeable copy signs shall not exceed twenty-four (24) square feet per sign face.

(e) Instructional signs.

(1) Number. The number of instructional signs shall equal the minimum number needed to achieve the intended instructional purpose.

(2) Size. Instructional signs shall not exceed six (6) square feet. Instructional signs may be placed on the base of a freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

(3) Location. Instructional signs shall not be located or designed to be legible or serve to attract attention beyond the perimeter of the property.

(f) Temporary signs.

(1) Number. One (1) temporary sign of thirty-two (32) square feet or less is allowed per nonresidential property. A temporary window sign shall not exceed twenty-five percent (25%) of the total window area on which it is mounted. During election season, one (1) additional temporary sign per ballot issue or per office seat up for election is permitted on each nonresidential property.

(2) Duration. Temporary signs may be displayed for a period of up to forty-five (45) consecutive days, or as permitted during election season.

(3) Height. Temporary signs shall not exceed eight (8) feet in height.

(4) Other. Each temporary sign shall include the date the sign is first displayed in the lower right-hand corner.

(g) Banners.

(1) Permit required. A banner permit is required for all banners. Banner permits shall be kept on the property where the banner is displayed at all times. A banner permit shall be issued by the Manager upon a showing of compliance with this Subsection. There shall be no fee for a banner permit.

(2) Number. No more than four (4) banner permits shall be issued to a single applicant in one (1) calendar year.

(3) Size. Banners shall not exceed fifty (50) square feet.

(4) Duration. Banners shall not be displayed for more than thirty (30) consecutive days.

(5) Other. Banners shall be securely attached to a building at all times.

(h) Window signs.

(1) Location. Window signs shall be located in the display windows of a business use which incorporates a display of merchandise or a display relating to a service offered.

(2) Size and number. One (1) window sign per window is allowed on any face of a building. No such sign letter or composition shall exceed twenty-four (24) inches in height, and its width shall not be greater than fifty percent (50%) of the exposed window. The area of any single window sign shall not exceed thirty-three percent (33%) of the window area on which it is mounted. The maximum window area that may be used by a window sign shall not exceed fifty (50) square feet. The uppermost point of the window sign shall be no greater than eight (8) feet in height.

Signs on Nonresidential Properties Schedule

<i>Type of Sign</i>	<i>Maximum Number</i>	<i>Maximum Area per Sign</i>	<i>Maximum Height</i>	<i>Minimum Setback</i>	<i>Duration</i>
Building	1 sign if 1 street entrance 2 signs if 2 entrances on different streets	See Subsection 16-19-90(a), but wall signs may not exceed 15% of wall surface area If protruding, 8 sq. ft.	15 ft.	Same as building setback If protruding, see Subparagraph 16-19-70(a)(2)c	Unlimited
Freestanding	* 1 sign per building, or if more than 1 business facility, 1 per entrance	0.30 sq. ft./linear ft. of street frontage, up to 50 sq. ft. if less than 200 ft. of frontage; 75 sq. ft. if between 200 and 400 feet of frontage; or 100 sq. ft. if ore than 400 feet of frontage	10 ft.	Same as building setback	Unlimited
Instructional	Minimum necessary to serve intended purpose	6 sq. ft.	N/A	N/A	Unlimited
Temporary	Generally, 1 sign per property During election season, 1 additional sign per ballot issue and per office seat	32 sq. ft. See Paragraph 16-19-70(e)(1) for temporary window signs	8 ft.	N/A	45 consecutive days or as permitted during election season
Banner	Up to 4 in 1 year	50 sq. ft.	N/A	Attached to building	30 consecutive days
Window	1 per window	33% of window area or 50 sq. ft., whichever is less	8 ft.	N/A	Unlimited

(Ord. O-10 §1, 2010)

Sec. 16-19-80. Number of signs on nonresidential properties.

(a) No more than four (4) signs may be erected or maintained on any nonresidential property at any time, unless the property is located on a corner and has public entrances on two (2) or more public ways, or where a building has both a front and rear public entrance, in which case one (1) additional sign may be erected.

(b) To determine the number of signs that may be displayed on a particular nonresidential property, the following rules shall apply:

(1) A sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.

(2) Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(3) A multi-sided sign shall be regarded as one (1) sign if:

a. For a V-type sign, the two (2) sides are not separated by a distance that exceeds five (5) feet; and

b. For double-faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.

(c) In calculating the total number of signs on any property, both permanent and temporary signs shall be combined in the total, but signs enumerated in Subsection 16-19-20(d) of this Article and instructional signs shall not be included. (Ord. O-10 §1, 2010)

Sec. 16-19-90. Total sign surface area.

(a) Maximum surface area. The maximum sign surface area permitted for each business located on any nonresidential property shall be determined as follows:

(1) There may be no more than seventy-five hundredths (0.75) square feet of sign surface area per linear foot of property street frontage up to two hundred (200) feet of frontage.

(2) There may be up to one (1) square foot of additional sign surface area per linear foot of property street frontage in excess of two hundred (200) feet, up to a maximum of three hundred (300) square feet.

(3) If frontage exists on more than one (1) street, then the total sign surface area permitted for all businesses located on that property shall be the sum of the sign surface area allotments related to each street on which the property has frontage, provided that the total sign surface area that is oriented toward a particular street may not exceed the portion of the property's total sign surface area allocation that is derived from frontage on that street.

(4) If a property has no street frontage and an applicant desires to install a sign oriented toward a street, then the total sign surface area permitted for all businesses located on that property is that allowed if the property boundary closest to the street toward which such sign is to be oriented fronted the street; provided that only one (1) street and the closest property boundary to such street may be used to determine the total permitted sign surface area.

(b) Sign area calculation.

(1) The surface area of a sign shall be calculated by including the entire area within a single, rectilinear perimeter of not more than eight (8) straight lines, a circle or an ellipse, enclosing the limits of the writing or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure, such as a wall or fence structure, against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(2) If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(3) For two-sided, multi-sided or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:

a. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign if the distance between the backs of such signs does not exceed three (3) feet.

b. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet. (Ord. O-10 §1, 2010)

Sec. 16-19-100. Illumination.

(a) Illuminated signs are prohibited on residential lots, and no sign within one hundred fifty (150) feet of a residential zone district shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

(b) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential lot.

(c) Internally illuminated signs are only allowed in the Community Business (B-C), Regional Business (B-R), Light Industry (I-L) and Heavy Industry (I-H) zone districts.

(d) Internally illuminated freestanding signs shall not be illuminated during hours that the business or enterprise advertised by such sign is not open for business, except:

(1) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date or weather conditions or similar device whose principal function is not to convey a commercial message.

(2) Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

(e) Except in observance of a national holiday:

(1) Illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited; and

(2) Signs shall not contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

(f) Neon signs shall not exceed four (4) square feet in size. (Ord. O-10 §1, 2010)

Sec. 16-19-110. Maintenance.

(a) All signs and components thereof, including supports, braces and anchors, shall be kept in a state of good repair and be constructed and maintained in compliance with all building, electrical and fire prevention regulations.

(b) Abandoned signs shall, within ninety (90) days after abandonment, be removed by the sign owner, the owner of the property where the sign is located or other party having control over such sign.

(c) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the property where the sign is located or other person having control over such sign shall, within ninety (90) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This Subsection shall not alter the effect of Section 16-19-130 which prohibits the replacement of a nonconforming sign, nor shall this Subsection be construed to prevent the changing of the message of a sign.

(d) The area within ten (10) feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than six (6) inches in height. (Ord. O-10 §1, 2010)

Sec. 16-19-120. Visibility.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation without the express written authorization of the property owner, or in any area where the trees or shrubs are required by this Chapter to remain. (Ord. O-10 §1, 2010)

Sec. 16-19-130. Legal nonconforming signs.

(a) A legal nonconforming sign is any sign that does not conform to the requirements of this Article, but, on the effective date of the ordinance codified in this Article, was lawfully maintained and had been lawfully erected in accordance with any prior applicable sign regulation.

(b) Any legal nonconforming sign may be continued in operation and maintained despite this Article, provided that no sign shall be changed so as to increase its size or nonconformity. Impermissible changes in use include, but are not limited to, adding illumination or moving or replacing a nonconforming sign.

(c) The right to maintain a legal nonconforming sign shall terminate immediately upon any of the following:

(1) Abandonment of the nonconforming sign.

(2) Any violation of this Article on the property containing the sign.

(3) If the sign is damaged or destroyed in excess of fifty percent (50%) of the current replacement cost of the sign from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinances of the Town. (Ord. O-10 §1, 2010)

Sec. 16-19-140. Design standards.

(a) Purpose. It is the intent of this Section that signs be in aesthetic balance with the site and building sizes.

(b) General.

(1) A horizontal profile is preferred for signs because it harmonizes with the rural environment, but in some cases a vertical monument may be permitted.

(2) Materials for signs shall be durable and the design compatible with the architecture of the development and the surrounding community.

(3) All signs within a single development shall display consistency of design and placement.

(4) No letter of any sign shall exceed three (3) feet in height. Corporate logos shall not exceed one and one-half (1½) times the height of the tallest letter in the sign. (Ord. O-10 §1, 2010)

Sec. 16-19-150. Traffic control signs.

(a) Traffic control signs shall not be erected on private or public property without the prior approval of the Town. The Town shall not approve a traffic control sign unless the proposed sign conforms to the specifications in the most recent Manual of Uniform Traffic Control Devices.

(b) To obtain approval of a traffic control sign, an applicant shall submit to the Manager a request, including plans specifying the type, location and size of the intended sign.

(c) The Manager shall review the request and may approve the traffic control sign. (Ord. O-10 §1, 2010)

Sec. 16-19-160. Sign permits.

(a) When required. Except as specifically provided in this Article, a sign permit is required for permanent building signs, permanent freestanding signs and any other illuminated sign, including any signs being retrofitted with illumination.

(b) Submittal requirements. The following shall be submitted with an application for a sign permit:

(1) Name, address and telephone number of applicant.

(2) A map showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares; such a map shall be to scale.

(3) A plan showing design of sign, materials used, colors, lighting and method of construction and means of attachment to the building or the ground; such plans shall be to scale.

(4) Name of person, firm, corporation or association erecting, altering or moving said sign.

(5) Written consent of the owner of the land on which the sign is to be erected, altered or relocated.

(6) Any electrical or building permit required and issued for said sign under Town ordinances.

(7) Other information as the Building Inspector requires to show full compliance with this and all other applicable laws of the Town.

(c) The Manager shall issue a permit upon finding that the sign complies with this Article. The Manager's decision shall occur within ten (10) days of receipt of a complete application. (Ord. O-10 §1, 2010)

Sec. 16-19-170. Temporary signs in public right-of-way.

(a) Freestanding signs are allowed in the public right-of-way on a temporary basis if such signs meet all of the following criteria:

(1) The sign does not remain in the public right-of-way for more than seventy-two (72) hours in any seven-day period, except during election season, when such temporary sign may remain in the public right-of-way for the duration of the election season.

(2) The sign is freestanding and not attached to any utility marker, pole, traffic control device, sign or other improvement in the public right-of-way or a sign of another party.

(3) The surface area of the sign does not exceed three (3) square feet per face.

(4) The sign is:

a. Located more than fifty (50) feet from a street intersection and the top of the sign is three and one-half (3½) feet or less above the ground; or

b. Located within fifty (50) feet of an intersection and the top of the sign is two and one-half (2½) feet or less above the ground.

(5) No balloons, streamers or similar items are affixed to the sign.

(b) A Town employee may remove and destroy any sign in any public right-of-way of the Town that does not meet all of the criteria set forth in this Article.

(c) It shall be the responsibility of the person placing the sign in the public right-of-way to remove the sign in compliance with the time limitations set forth in this Section. It is unlawful for any person other than a Town employee to remove any sign from the public right-of-way that he or she did not place or cause to be placed in the public right-of-way.

(d) This Section shall not apply to traffic control devices or other signs erected by a governmental entity to protect the public health, safety and welfare. (Ord. O-10 §1, 2010; Ord. O-4 §1, 2013)

ARTICLE XX

General Development Standards

Sec. 16-20-10. General requirements.

Development projects on greater than six (6) lots or with a total site area of two (2) acres or greater in any district shall be required to comply with the following requirements:

(1) All new developments with service requirements beyond existing levels are required to provide necessary infrastructure improvements that will facilitate acceptable levels of service for all affected existing uses plus the proposed use.

(2) Location of improvements shall be designed in a manner such that it protects the environmental assets of the area, including considerations of elements such as plants and wildlife, streams and storm drainage courses and scenic vistas. An environmental and wildlife impact report, including federal endangered species, shall be provided. Development applications that negatively impact, without appropriate mitigation, natural operation or the aesthetic quality of existing drainageways, tree stands or any other environmentally scarce or valuable land may be denied.

(3) Except in Residential Character Street (RCS) Districts, view corridors to the mountains and through developments from surrounding major arterials shall be maintained by utilizing the following techniques. Any of these requirements may be modified or waived by the Town for structures adjacent to Residential Character Street (RCS) Districts if the Town determines that such modification and waiver facilitate the intent of this Chapter and the RCS District:

a. For all buildings except single-family, orienting the short sides of buildings towards the surrounding single-family uses, if any.

b. Maintaining minimum building separations in multi-family developments with parking or open spaces of the greater of either fifty percent (50%) of the combined structure height of the two (2) adjacent buildings or twenty-five percent (25%) of the combined building length of the two (2) adjacent buildings adjacent to an arterial or collector street ROW.

c. Designating a nonbuildable area of a minimum of three hundred (300) feet between nonresidential uses and single-family detached uses, three hundred (300) feet between single-family detached and multi-family uses and one hundred fifty (150) feet between multi-family and nonresidential uses, measured from the nearest structure. These distances may be reduced if the Planning Commission recommends and the Board of Trustees find that the proposed development is compatible to its surrounding uses and the potential adverse impacts will be mitigated.

d. For all multi-family developments with more than one (1) building:

1. No more than two (2) structures may be sited parallel to each other but should be sited at varying angles or sited parallel to roadways or parcel boundaries. Buildings may be staggered along these boundaries by a minimum of a fifteen (15) feet differential between primary façade walls to achieve the same effect; or

2. No more than two (2) structures may be sited end to end.

(4) Location of building footprints on the property shall maximize the development's relationship to and compatibility with its surroundings to avoid adverse effects caused by traffic circulation, building height or bulk, lack of screening or intrusions on privacy.

(5) Location of structures and improvements shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety and welfare of potential users of the property. These aspects of the plan shall be accompanied by a

detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before building permits may be issued. Any development proposed on geologically unstable land is prohibited without properly engineered site specific solutions as approved by the Town.

(6) Freestanding buildings in nonresidential districts shall have a minimum spacing of twenty (20) feet.

(7) In the interest of promoting a greater variety of building placements and to promote staggering of buildings along exterior streets in multi-building complexes, setback encroachments of building walls will be allowed up to a maximum of ten (10) feet where no driveways directly access a public street. Where such an encroachment is allowed, the adjacent buildings shall be set back from the required setback a minimum of one (1) foot for every two (2) feet of encroachment.

(8) Exterior design elements of buildings, such as eaves, dormers, bay windows, porches and the like, may be allowed to encroach a maximum of five (5) feet into the required setback.

(9) Ridgeline view protection. All new development applications shall submit view impact analysis reports addressing views of the proposed development from applicable important vantage points to be determined by the Town.

(10) All new developments are required to install adequate transportation systems that are compatible with existing transportation systems throughout the Town. Compliance will be determined by staff, the Planning Commission or the Board of Trustees.

(11) All new development applications are required to submit architectural plans that are compatible in terms of architectural elements, colors and materials within the proposed development with the architecture of adjacent development and the community as a whole.

(12) All new development applications are required to incorporate design techniques that mitigate the propagation of noise, light and glare from the development site boundary. The Town may require the applicant to submit an appropriate study illustrating the levels of anticipated noise, light or glare, and show how the project's design works to mitigate these impacts.

(13) Full cut-off light fixtures and fixture shields are required on exterior fixtures and freestanding fixtures to minimize light pollution. (Ord. O-10 §1, 2010)

Sec. 16-20-20. General multi-family and nonresidential architectural design criteria.

(a) Wall composition. In an effort to alleviate long uninterrupted façades, any wall face shall conform to the following restrictions:

(1) Main building frontage incorporating primary entry doors.

a. No wall expanse shall extend over seventy-five (75) lineal feet without incorporating at least one (1) architectural feature of at least twenty-four (24) feet in length total and at least one-third ($\frac{1}{3}$) the building height. Architectural features shall include either towers, entry elements, flagstone colonnades with trellises, pilaster towers, vision glass or display windows. Attached planters at buildings shall not be designated as an architectural feature. Glazing is included as an architectural feature to encourage tenants to incorporate glass in office and

residential uses or windows, whether looking into a store or presenting display in commercial uses, adding substantially to a building's interest both during the day and night.

b. No wall expanse over forty-eight (48) lineal feet in residential uses or one hundred (100) feet in nonresidential uses shall be allowed without breaking up the wall expanse with indentations, protrusions and balconies of a minimum of four (4) feet.

c. Wall-top parapets for nonresidential uses are to have a broken line a minimum of two (2) feet at a minimum of every sixty-four (64) feet of wall length.

(2) Building sides and rears. Architectural features as listed above shall occur in no less than twenty percent (20%) of the outer lineal wall length while also meeting the seventy-five-foot rule. Said articulation need not occur within a loading court area. However, wall area above the elevation of screen wall shall display cornice details and roof parapet details as in accord with front wall requirements.

(b) Franchise architecture. Design guidelines prepared for development projects are to contain language requiring that structures minimize the visual impact of predesigned, franchise architecture for individual buildings.

(1) Franchise structures shall be designed and landscaped in such a manner to make them integrated and compatible with the architectural theme of the development and identity of the Town.

(2) All franchise logos and signage are required to be integrated into the architectural detailing of the building and into monument signage when proposed in such locations. (Ord. O-10 §1, 2010)

Sec. 16-20-30. Lighting requirements.

(a) The following general lighting requirements apply to those developments addressed in Sections 16-20-40 through Sections 16-20-70.

(1) All exterior lights for streets, parking drives, walkways and buildings shall be metal halide casting a white light.

(2) Light levels at the property line shall be measured as line of sight from five (5) feet above the ground at the property line to the nearest and brightest light source on the property. Light plans shall reflect the theoretical light levels at the property line using this method.

(3) Lighting plans shall identify the light loss factors (adjustments for dirt and age of fixture/lamp) for all types of exterior lights proposed. The specified lighting levels for any use are maximums under any fixture and are the light levels allowed without adjustments for light loss factors. Verification measurements by the Town for lighting plan compliance can occur anytime after a fifty-hour burn-in period subsequent to an approved development's certificate of occupancy.

(4) Full cut-off fixtures shall be used on all exterior locations. These fixtures shall be rated by the Illuminating Engineering Society of North America (IESNA), and lamps shall be placed

horizontally in the fixture. The only exception may be building and walkway fixtures at low light levels with frosted lenses.

(5) All canopy lights shall be recessed so that no lens or light source drops below the ceiling surface of the canopy. Canopy fixtures shall use horizontal lamps.

(6) In order to achieve relative light uniformity in parking lots, the light level below any light standard or pole may not be greater than ten (10) times the weakest reading between this pole and adjacent poles. (Ord. O-10 §1, 2010)

Sec. 16-20-40. Original Superior.

Original Superior is primarily zoned Low Density Residential (R-L), and the design standards of this District shall be considered in planning new residential development adjacent to the neighborhood.

(1) New development adjacent to Original Superior shall be designed to protect existing single-family uses, including:

a. Drawing redevelopment and new development use change lines at alleys and not between face blocks.

b. Extending the existing grid street pattern and community design elements of this area of Town.

c. Acknowledging and using existing setbacks, building orientation, building mass and roof form.

d. Avoiding routing pass-through traffic through Original Superior.

(2) Uses other than single-family residential adjacent to or within Original Superior may only rezone to the Residential Character Street (RCS) District or use this District's design standards as a starting point for any PD land use negotiation.

(3) A proposed rezoning that changes the single-family detached use to higher density residential or nonresidential uses shall include at least fifty percent (50%) of the lots on any existing face block. (Ord. O-10 §1, 2010)

Sec. 16-20-50. Multi-family developments.

(a) Site development. The following criteria set standards for the site planning of multi-family neighborhoods, including building arrangement, vehicular and pedestrian circulation, parking and open space.

(1) Open space.

a. Open space may include pedestrian pavements and plazas and any parking lot island greater than four hundred (400) square feet in size.

b. Active recreation areas shall be located where light and noise will not adversely impact adjacent properties.

c. Open space and trail design shall be coordinated with adjacent properties and shall respect Drainage, Utility or Comprehensive Plans that have been adopted by the Town.

d. All open space shall be landscaped as required by this Chapter.

(2) Building siting.

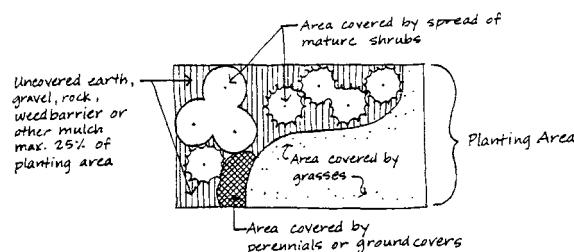
a. Buildings shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in building groupings. In larger projects, the unit type shall vary between groupings.

b. Buildings shall be grouped in such a way as to provide visual interest.

c. Site grading shall be designed to minimize views into living areas from adjacent collector and arterial streets.

(3) Treatment of setbacks. When planning the layout of buildings and circulation facilities, vary the setback distance while allowing at least the minimum setbacks required by this Chapter. The landscape buffers required shall include a variety of coniferous and deciduous trees to adequately screen the separate land uses. (See Figure 1.)

Figure 1
Minimum Landscape Treatment



(4) Site lighting. In addition to the general standards contained in Section 16-20-30, the following lighting standards apply and control:

a. The design of site lighting systems shall conform to the standards contained in the Lighting for Exterior Environments RP-33-99 by the Illuminating Engineering Society of North America (IESNA).

b. Light fixtures shall be chosen that are harmonious with the architectural theme of the neighborhood, that eliminate glare and offensive light spillage, as defined by IESNA and that are no taller than twenty (20) feet in parking lots and twelve (12) feet along walkways.

c. Building-mounted fixtures shall not extend above the building fascia line. Building-mounted fixtures shall be fully shielded (IESNA full cut-off luminaries), with shields painted to match the surface to which they are attached. Building-mounted fixtures shall not be used

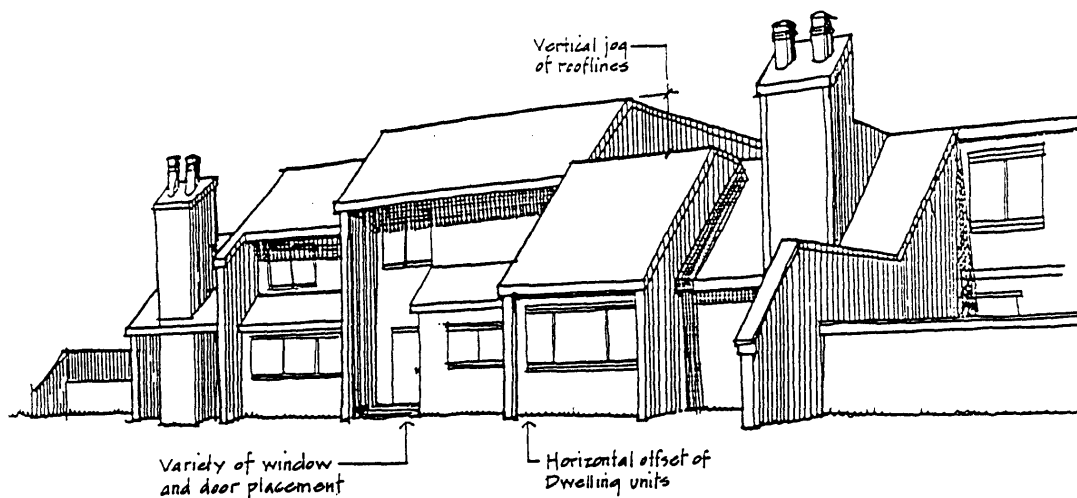
for parking lot or walkway illumination unless they are located at or below twelve (12) feet above the area lighted.

d. Maximum levels of light fixture illumination are as follows (initial horizontal luminance):

Parking lot	2.5 foot-candles
Walkway	1.0 foot-candle
Driveway	2.00 foot-candles
Building-mounted	1.00 foot-candle security light
At property line	0.10 foot-candle (line of sight)
Recreation area	As proposed by applicant to properly illuminate recreation area. Such lighting should be fully shielded, have cut-off luminaries and shall not adversely affect adjacent properties as determined by the Town Engineer. Timers and controlled rheostats shall be used to control hours of operation.

(b) Architectural design. The purpose of the policies set forth in this Section is to produce orderly, innovative and aesthetically pleasing multi-family projects of the highest quality architectural design. (See Figure 2.)

Figure 2
Architectural Design



(1) All trim, moldings and shutters shall be designed to harmoniously accent the architectural style of the building.

- (2) Doors, windows and building façades shall have variety in pattern and relief.
- (3) Front doors shall be visually well-defined and located for ease of entry.
- (4) Balconies and patios shall be integrated into building architecture while providing adequate privacy screening from neighbors and adjoining streets.
- (5) Auxiliary structures such as garages, mailbox structures, storage sheds and carports shall be appropriately sized and located and of compatible architecture with the main theme of the development.
- (6) Chimneys, dormers, skylights and vents shall be carefully integrated into each building's roofline and roof texture. All rooftop appurtenances shall be painted to blend with the color of the roof.
- (7) Rooftop solar collectors and mechanical equipment shall be integrated into the roofline to appear as part of the building itself.
- (8) Television reception dishes shall be screened from public view when located on the ground in the vicinity of the principal use.
- (9) Only exterior building materials of proven durability and quality shall be used. Siding and trim material shall be sufficiently rigid to prevent warping. Each neighborhood shall have a carefully designed color scheme.
- (10) Roof materials shall be of a color, texture and material such that their appearance and reflectivity do not adversely affect any neighboring properties or views from public streets.
- (11) Trash enclosures shall be located so they are accessible to collection trucks and residents, yet well-screened by landscaping from neighboring view. They shall be built of durable materials compatible with the architecture of the buildings and engineered adequately so doors do not sag with use over time.
- (12) In duplex developments, structures shall not have the front elevation of a second unit be a mirror image of the first unit. (Ord. O-10 §1, 2010)

Sec. 16-20-60. Commercial, office, retail and industrial (CORI) developments.

(a) Site development. The site development policies in this Section define the requirements for the site development of CORI uses, including building arrangement, vehicular and pedestrian circulation, parking, open spaces, loading and servicing.

(1) General. The site development of CORI areas shall be planned to provide pleasant and safe environments for employees and visitors. Multiple building projects shall cluster buildings to provide pedestrian-oriented environments with well-defined building entries. Parking lots shall be located for ease of access while minimizing their visual dominance. Particular care shall be given to avoid a rigid, strip-like arrangement of site elements, to promote spatial diversity along street corridors.

(2) Site coverage. Building, parking lot and roadway paving coverage shall be as required by the zone district. Unobstructed open space may include any pedestrian pavements passing through open space areas and any parking lot island larger than four hundred (400) square feet in size.

(3) Setbacks. The layout of buildings shall create variety by staggering setback distances. Setbacks shall be at least the minimum required by this Chapter. The landscape buffers required shall include a variety of coniferous and deciduous trees to adequately screen the separate land uses.

(4) Pedestrian circulation.

a. Special attention shall be given to the comfort and safety of pedestrians within the site. Outdoor eating and seating areas, defined pedestrian routes within parking lots and other pedestrian amenities are encouraged.

b. Convenient access for persons with disabilities is required.

(5) Site lighting. In addition to the general standards contained in Section 16-20-30, all of the following lighting standards shall apply:

a. Site lighting shall conform to the standards contained in the Lighting for Exterior Environment RP-33-99 by the Illuminating Engineering Society of North America (IESNA).

b. Lights shall not be placed to cause glare or excessive light spillage, as defined by IESNA, on neighboring sites.

c. Parking lot and driveway lighting shall provide uniform illumination in compliance with the following maximum levels of light fixture illumination:

<i>Commercial and Retail Use</i>	
Parking lots	5.00 foot-candles
Driveways	2.00 foot-candles
Property line	0.10 foot-candle (line of sight)
Walkways	2.0 foot-candles
Canopy areas/entryways	5.00 foot-candles
Loading docks	5.00 foot-candles

<i>Office and Industrial Use</i>	
Parking lots	3.00 foot-candles
Driveways	2.00 foot-candles
Property line	0.10 foot-candle (line of sight)
Walkways	2.0 foot-candles
Canopy areas/entryways	5.00 foot-candles
Loading docks	5.00 foot-candles

d. Light fixtures shall be concealed source fixtures except for pedestrian-oriented accent lights which are limited to a lumen rating of one thousand eight hundred (1,800) lumens.

e. Building-mounted lighting fixtures are not to project above the fascia or roofline of the building and shall be fully shielded (IESNA full cut-off luminaries). The shields shall be painted to match the surface to which they are attached. Building-mounted lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures unless they are located at or below twelve (12) feet above the area lighted.

f. Exterior wall-mounted floodlights are expressly prohibited.

g. Lighting of all pedestrian walkways and plazas is required.

h. Lighting in parking lots, walkways and plaza areas shall be reduced to minimum levels adequate for security after close of operations and shall be controlled by rheostats and timers.

(b) Architectural design. The purpose of the architectural policies set forth in this Subsection is to produce orderly and aesthetically pleasing developments of high quality architecture in harmony with the environment and consistent with the intended use for the buildings. It is the intent of these policies to encourage innovative architectural design. All buildings, therefore, shall conform to the following requirements:

(1) Building construction and design.

a. Building construction and design shall be used to create a structure with substantially equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side and rear elevations of the structure, particularly when visible from adjacent streets and properties.

b. Large uninterrupted expanses of a single material are prohibited.

c. Long uninterrupted building planes are discouraged; buildings shall be designed and arranged with offsetting surfaces and planes to provide a varied street appearance.

d. Accessory buildings and enclosures, whether attached to or detached from the main building, shall be of similar compatible design and materials.

(2) Exterior materials. Only building materials of proven durability and quality shall be used. The type, colors and textures of materials shall be carefully selected to ensure permanent, long lasting structures with continuing high quality appearance.

(3) Rooftops. Rooftop surfaces, equipment and accessories shall be designed according to the following requirements:

a. Roof surface materials, texture and reflectivity shall be designed considering their effect on the views of other sites and structures. Where rooftops are visible from other sites, structures or public roads, the rooftop materials shall be nonreflective.

b. Roof-mounted mechanical equipment shall be minimized and, where possible, eliminated.

c. Long runs of exposed ductwork pipes, conduit or other similar items are prohibited.

d. Appurtenances that shall be roof-mounted shall be located and screened so they are not visible from any point at ground level. Where possible, the appurtenances shall be grouped and enclosed by screens that are designed to be compatible with the building architecture. The screens shall be one (1) foot taller than the materials being screened. The screens shall be set back from the edge of the roof a distance of no less than their height. If necessary, because of visibility, all rooftop mechanical equipment shall be fully enclosed in a mechanical penthouse.

e. Rooftop appurtenances shall be painted the same color, to be compatible with the building architecture.

f. Rooftop solar collectors, skylights and other potentially reflective rooftop building elements shall be designed and installed in a manner which prevents reflected glare and obstruction of views of the sites and structures.

g. Roof-mounted radio, television and microwave antennae and towers are prohibited unless they are screened as set forth in Subparagraph d. above. (Ord. O-10 §1, 2010)

Sec. 16-20-70. Automobile care centers, service stations and convenience stores.

(a) Site development. The site development policies in this Section define the requirements for site development, including building arrangement, vehicular and pedestrian circulation, parking, open spaces, loading/service areas for automobile care centers, service stations and convenience stores.

(1) Site coverage. Buildings, parking areas, drives, loading/service areas and gas pump canopies shall be limited to provide a minimum of thirty percent (30%) of open space. Open space may include any pedestrian pavements and plazas passing through open space areas and any parking lot island greater than four hundred (400) square feet in size.

(2) Treatment of setbacks.

a. When planning the layout of buildings and circulation facilities, the setback distance shall be varied while allowing at least the minimum setbacks noted in this Chapter.

b. The landscape buffers required shall include a variety of coniferous and deciduous trees and shrubs to adequately screen separate land uses, especially adjacent to residential areas.

(b) Pedestrian circulation. Special attention shall be given to the safety of pedestrians within the site. Convenient access for persons with disabilities is required. Pedestrian access to the site shall be coordinated with pedestrian routes in adjacent properties.

(c) Site lighting. In addition to the general standards contained in Section 16-20-30, all of the following lighting standards shall apply:

(1) Site lighting shall conform to the standards contained in the Lighting for Exterior Environments RP-33-99 by the Illuminating Engineering Society of North America (IESNA).

(2) Lights shall not cause glare or excessive light spillage, as defined by IESNA, on neighboring sites.

(3) Parking lot and driveway lighting shall provide uniform illumination in compliance with the following maximum levels of light fixture illumination (initial horizontal luminance):

Parking lots	5.00 foot-candles
Driveways	5.00 foot-candles
Front row of cars for car dealerships	20.00 foot-candles
Property line*	0.10 foot-candle (line of sight)
Walkways	2.0 foot-candles
Vehicle cover canopies	20.00 foot-candles
Canopy areas/entryways	5.00 foot-candles
Loading docks	5.00 foot-candles

* Does not include property line adjacent to front row of cars.

(4) Light fixtures shall be concealed source fixtures, except for pedestrian-oriented accent lights which are limited to a lumen rating of one thousand eight hundred (1,800) lumens.

(5) Building-mounted lighting fixtures shall not project above the fascia or roof line of the building and shall be fully shielded (IESNA full cut-off luminaries). The shields shall be painted to match the surface to which they are attached. Building-mounted lighting fixtures shall not be substituted for parking lot or walkway lighting fixtures.

(6) Exterior wall-mounted floodlights are prohibited. It is recommended that accent illumination be provided at such key locations as building entries and driveway entries.

(7) Lighting of all pedestrian walkways and plazas is required.

(8) Lighting in parking lots, walkways and plaza areas shall be reduced to minimum security levels after close of operations, and shall be controlled by rheostats and timers.

(d) Architectural design. The purpose of this Subsection is to produce orderly and aesthetically pleasing developments of high quality architecture in harmony with the environment and consistent with the intended use for the buildings. It is the intent of these policies to encourage innovative architectural design. All buildings shall comply with the following:

(1) Building construction and design.

a. Building construction and design shall be used to create a structure with substantially equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side and rear elevations of the structure, particularly when these façades are visible from adjoining properties or streets.

b. Large uninterrupted expanses of a single material are prohibited.

c. Long uninterrupted building planes are prohibited; buildings shall be designed and arranged with offsetting surfaces and planes to provide a varied street appearance.

d. Accessory buildings and enclosures, whether attached to or detached from the main building, shall be of similar compatible design and materials.

(2) Exterior materials. Only building materials of proven durability and quality shall be used. The colors and textures of materials shall be carefully selected in harmony with other structures in the area.

(3) Rooftops. Rooftop surfaces, equipment and accessories shall be designed according to the following requirements:

a. Roof surface materials, texture and reflectivity shall be designed considering their effect on the views of other sites and structures. Where rooftops are visible from other sites, structures or public roads, the rooftop materials shall be nonreflective.

b. Roof-mounted mechanical equipment shall be minimized and, where possible, eliminated.

c. Long runs of exposed ductwork, pipes, conduit or other similar items are prohibited.

d. Appurtenances that shall be roof-mounted shall be located and screened so they are not visible from any point at ground level. Where possible, the appurtenances shall be grouped and enclosed by screens that are designed to be compatible with the building architecture. The screens shall be one (1) foot taller than the materials being screened. The screens shall be set back from the roof a distance of no less than their height. (Ord. O-10 §1, 2010)

Sec. 16-20-80. RCS District design parameters.

The following design parameters in the RCS District are in addition to any design requirements found in the underlying zone district.

(1) Residential off-street parking is required pursuant to Article XXIV of this Chapter.

(2) Garages are encouraged for all residential uses.

(3) Setback variances of up to twenty-five percent (25%) from the requirements of the underlying zone may be allowed for superior design, exceptional landscape treatments and building materials.

(4) Nonresidential uses shall limit operations to 8:00 a.m. through 9:00 p.m., Monday through Saturday.

(5) Façade treatments shall complement the character of residential uses typical of the surrounding single-family residential structures.

(6) Fences are allowed by special use permit with the exception along the rear property line where they are allowed. Fences may be no more than three (3) feet high, except along the rear property line where they may be six (6) feet high.

(7) No alley access shall be allowed for nonresidential uses developed subsequent to the adoption of this District except by special use permit.

(8) Roofs shall be slanted to complement the character of surrounding single-family residential uses. Flat roofs are prohibited.

(9) Nonresidential uses may use on-street parking in front of the use to meet total parking required for the use.

(10) Sidewalk widths shall comply with the Town's Roadway Design Criteria and Standards.

(11) Height of all structures, including any appurtenances, is restricted to thirty (30) feet with no more than two (2) stories.

(12) Maximum floor to area ratio for nonresidential uses is thirty-hundredths (0.30).

(13) Minimum amount of open space for nonresidential uses is thirty percent (30%).

(14) Site lighting is limited to building-mounted fixtures, except as allowed by special use permit.

(15) Façade design and materials and roof design and materials shall encourage a residential character and conform with the requirements of Section 16-20-40. (Ord. O-10 §1, 2010)

Sec. 16-20-90. Commercial and industrial use performance standards.

(a) Glare and heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

(b) Vibration. Industrial and commercial operations, excluding transportation facilities for temporary construction, shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line.

(c) Light. Exterior lighting, except for overhead street lighting and warning, emergency or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured and directed downwards to prevent glare on public streets and walkways or into any residential area. In no case shall spillage of on-site lighting exceed one-tenth (0.1) foot-candle at the site or project boundary. The installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals is prohibited.

(d) Smoke. Industrial and commercial operations which produce smoke or any air contaminant shall be subject to the jurisdiction and regulations of the Colorado Air Quality Control Commission and the Colorado Air Quality Control Division. The Town reserves the right, prior to approving any industrial or commercial application under this Chapter, to require from the applicant evidence of compliance with applicable regulations of state government.

(e) Odors. No industrial or commercial operation shall cause or allow the emission of malodorous air contaminants from any single source such as to result in detectable odors which are apparent outside the property boundaries.

(f) Noise. Industrial and commercial operations shall be conducted such that noise generated from such uses is controlled at its source so that it does not exceed noise limits at or beyond the lot line of the principal use established by the Town or, in the absence of these standards, those set by the State.

(g) Fugitive dust. No industrial or commercial operation shall be allowed to produce fugitive dust in amounts which are noticeable or appreciable outside of the property boundaries of the use.

(h) Electromagnetic, electrical interference. No commercial or industrial equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment.

(i) Industrial and commercial wastes. All industrial and commercial operations shall confine liquid and solid wastes produced in connection with such operation within the property boundaries, and shall further ensure that no such waste, including liquid waste such as drain oil, leave the property or enter any treatment facility or natural stream courses. This shall not apply to the appropriate and proper disposal of liquid and solid wastes. (Ord. O-10 §1, 2010)

ARTICLE XXI

Landscaping

Sec. 16-21-10. General requirements.

(a) General requirements. The following requirements shall apply to all development, except lots for single-family detached residential uses:

(1) Landscaping shall be installed before building occupancy, except where seasonal limitations prohibit, in which case the landscaping shall be installed within sixty (60) days from the time planting operations can be undertaken. When seasonal conditions do not permit planting, erosion control measures shall be taken in conformance with the approved erosion control plan.

(2) The minimum landscape treatment of planting areas shall be drought-tolerant lawn, native grasses or shrub beds with no less than seventy-five percent (75%) of the ground plane within the planting area covered by living plant materials, based on mature shrub sizes and ground cover spread.

a. Plant species shall be carefully chosen and placed according to their relative water needs and adaptability to micro-climates. Plants with similar requirements shall be grouped into zones which can be translated into irrigation zones, ensuring that the area receives the proper amount of water.

b. Zones which demand the greatest amount of water shall be minimized and located only in high-use or highly visible areas. The remainder of the landscape shall be designed with plant materials which have low or very low water requirements.

c. Plants approved for landscaping in the Town are listed in the Preferred Plant List adopted by the Parks and Recreation Department.

(3) Minimum landscape densities.

<i>Landscape Area</i>	<i>Single-Family Residential</i>		<i>Multi-Family Residential</i>		<i>Commercial Retail Office</i>		<i>Industrial</i>	
	<i>Trees</i>	<i>Shrubs</i>	<i>Trees</i>	<i>Shrubs</i>	<i>Trees</i>	<i>Shrubs</i>	<i>Trees</i>	<i>Shrubs</i>
Open space landscape requirements (developed landscape)	1/825 s.f.	1/100 s.f.	1/825 s.f.	1/100 s.f.	1/825 s.f.	1/100 s.f.	1/825 s.f.	1/100 s.f.
Open space landscape requirements (naturalized landscape)	1/4000 s.f.	1/500 s.f.	1/4000 s.f.	1/500 s.f.	1/4000 s.f.	1/500 s.f.	1/4000 s.f.	1/500 s.f.
Foundation planting	N/A	N/A	—	1/4 l.f.	—	1/4 l.f.	—	1/4 l.f.
Buffer adjacent to single-family uses	1/40 l.f.	—	1/30 l.f.	—	1/20 l.f.	—	1/15 l.f.	—
Buffer adjacent to multi-family uses	1/30 l.f.	—	1/40 l.f.	—	1/20 l.f.	—	1/15 l.f.	—
Buffer adjacent to commercial, retail and office uses	1/20 l.f.	—	1/20 l.f.	—	1/40 l.f.	—	1/20 l.f.	—
Buffer adjacent to industrial uses	1/15 l.f.	—	1/15 l.f.	—	1/20 l.f.	—	1/40 l.f.	—
Street ROWs	1/40 l.f.	—	1/40 l.f.	—	1/40 l.f.	—	1/40 l.f.	—
Parking lot islands less than 825 s.f.	1	—	1	—	1	—	1	—
Parking lot islands less than 360 s.f.	1/180 s.f.	1/30 s.f.	1/180 s.f.	1/30 s.f.	1/180 s.f.	1/30 s.f.	1/180 s.f.	1/30 s.f.

Notes:

1. *Developed landscape* means areas dominated by irrigated turf typically found between buildings, between buildings and streets, in parks, as lawns and in formalized landscape areas. The Town reserves the right to dictate the limits of developed landscape areas.
2. *Naturalized landscape* means areas dominated by irrigated or nonirrigated native grasses typically found in areas intended to be more native in character or located between developed landscape and undisturbed native landscape. The Town reserves the right to dictate the limits of naturalized landscape areas.
3. Native areas undisturbed by development may remain as is with no additional requirements. The Town reserves the right to require additional landscape if determined beneficial by the Town.
4. Foundation plantings may be grouped, provided no building foundation is exposed at plant maturity. Trees, doors, windows or architectural elements may be utilized to break up foundation shrub plantings.
5. Portions or all required buffer landscape may not be required when adjacent to existing landscape which provides adequate buffering. The Town reserves the right to determine the need for buffer landscape in this situation.
6. Trees and shrubs may be substituted at a ratio of 1 tree to 14 shrubs. The Town reserves the right to approve or deny requests for substitutions.
7. Buffer requirements are in addition to the square footage plant density requirement.
8. Parking lot islands narrower than seven (7) feet shall receive shrub plantings at 1/30 s.f.

(4) Minimum planting distances.

	<i>Curbs/Walks</i>	<i>Fencing</i>	<i>Steel Edger</i>	<i>Street Signs</i>	<i>Street Lights</i>	<i>Retaining Walls</i>	<i>Bottom of Swales</i>	<i>From Outside Edge of Public Utility Pipes</i>
Canopy trees/ornamental	3'	3'	3'	10'	15'	4'	4'	10'

trees (single stem/high branch)								
Ornamental trees (clumped/low branch)	7'	5'	3'	10'	7'	4'	4'	10'
Evergreen trees	7'	7'	3'	8'	8'	6'	5'	10'
Large shrubs (5'+)	4'	3'	3'	4'	1'	3'	3'	0
Small shrubs (4'-)	2.5'	2'	2'	1'	1'	2'	2'	0
Spreading shrubs	3'	3'	2.5'	1'	1'	2.5'	2'	0

(5) Plant size and mix. Total tree and shrub counts shall be split (two-thirds [$\frac{2}{3}$] coniferous and one-third [$\frac{1}{3}$] deciduous species).

<i>Quantity</i>	<i>Min. Caliper of Deciduous Trees</i>	<i>Min. Height of Coniferous Trees</i>
10% large	3" or greater	Greater than 12'
70% medium	2¼" or 2¾"	10'
20% small	1½" to 2"	8'

All shrub beds shall be a combination of coniferous and deciduous shrubs no smaller than five-gallon size, with the exception of annuals, perennials and sub-shrub species.

(6) Plant species diversity is recommended to promote wildlife habitat creation and conservation. The following chart shall be used to create plant diversity in a landscape design. Applicants shall identify the percent of each species of plant material per plant type: trees, shrubs, flowers and grasses in chart form.

a. Recommended deciduous tree or shrub plant diversity scale.

<i>Plants</i>	<i>Maximum % of Single Species</i>
0—2	Can have 100% of one species
3—6	50% of any one species max
7—12	33% of any one species max
13—40	20% of any one species max
41+	10% of any one species max

b. Recommended evergreen tree or shrub plant diversity scale.

<i>Plants</i>	<i>Maximum Single Species Mix</i>
0—5	Can have 100% of one species
6—10	50% of any one species max
11—15	33% of any one species max

c. Plants on adjacent property within thirty (30) feet of the subject landscape plan's property line shall be identified as part of the landscape plan. The subject landscape plan shall use different plant species if determined appropriate when arranged next to plants on adjacent property.

(7) Wildlife accessible water surfaces, such as ponds, lakes, creeks and features such as small decorative pools, waterfalls, creeks and fountains, both natural and man-made, shall be provided in landscape plans, except on lots for single-family detached and duplex residential uses. These surfaces shall be four (4) square feet of water surface for every acre in the development up to a minimum of twenty-five (25) acres. Surfaces can be in multiple bodies of water no smaller than four (4) square feet. Water surfaces should be provided from a clean water source, free of stagnation and accessible to wildlife. Water features need to meet the same standards and, in addition, have automatic fill mechanisms, drain systems and the ability to be winterized. In addition, developments are encouraged to locate the water surface or feature away from streets and heavily traveled drives.

(8) Additional miscellaneous landscaping criteria are the following:

a. All mulch bed areas adjacent to turf and property lines shall be contained by a steel edger. An edger shall not be required when adjacent to hardscape surfaces, walls, solid fences or buildings.

b. The steel edger shall be interlocking rolled-top type edger. Overlapping type edger is not permitted.

c. Minimum depth of mulch shall be three (3) inches in shrub beds, two (2) inches in ground cover and flowerbeds and three (3) inches in open nonplanted mulch areas.

d. Mulched bed areas shall include weed control fabric with the exception of flower beds.

e. Building foundations exposed to public streets, adjacent properties and public lands shall have a foundation planting bed with no exposed foundation or mulch at plant maturity.

f. Turf areas shall receive soil amendment. Amendment shall be a minimum of three and one-half (3.5) cubic yards of pure organic material per one thousand (1,000) square feet, tilled to a minimum depth of six (6) inches.

g. Finished grade along solid fences shall be at least three (3) inches below the bottom of such fences for drainage where lot line drainage swales exist or as required by engineering calculations.

h. Native areas receiving native seed shall be seeded with a mixture of warm and cool season native grasses. This seed mix is a Town standard mix as specified by the Parks and Recreation Department so that contiguous native areas between developments will contain common grasses. Native seed areas shall be established within two (2) years of planting. Establishment shall mean free of weeds with no areas larger than twelve (12) inches by twelve (12) inches of barren soil. The applicant shall be required to maintain, reseed as needed and control weeds in all identified native areas. Weed control may consist of mowing, pulling or

chemical control. All seeded areas shall receive temporary automatic irrigation until established.

i. Longitudinal slope of drainage swales in turf areas shall be no less than two and one-half percent (2½%) unless approved otherwise by proper hydraulic design.

j. Longitudinal slope of drainage swales in native areas shall be no less than two percent (2%) unless approved otherwise by proper hydraulic design.

k. Prohibited plants include plants identified in the State of Colorado Noxious Weed List current at the time of application.

l. Irrigation plans are required at the building permit stage as part of the project construction plans. Such irrigation plans shall be designed to meet the watering zone requirements of the approved landscape plan.

(9) It is unlawful to fail to maintain landscaping in accordance with the plans submitted to and approved by the Town. Failure to maintain shall include, but is not limited to, failing to provide thriving conditions for the planted materials, allowing any trees or shrubs to die without replacement thereof or failing to plant all of the plant materials identified in the approved plan. (Ord. O-10 §1, 2010)

Sec. 16-21-20. Landscape buffers.

(a) Landscape buffers.

(1) When the use of property to be developed or redeveloped will conflict with the use of adjoining property, there shall be adequate screening as determined by the Town between the two (2) properties. The screen shall moderate the impact of noise, light, unattractive aesthetics and traffic. Plant material shall be incorporated in and dominate the appearance of the screen. Shrub beds shall be a combination of coniferous and deciduous shrubs no smaller than five-gallon size, with the exception of annuals, perennials and sub-shrub species. The owner of the property which is to be developed or redeveloped shall be liable for, and shall install, the buffer on the property to be developed or redeveloped.

(2) The buffer area shall be located between the property line and the use to be screened. When required, the landscape plan shall include a six-foot-high barrier (fence, hedge or wall).

(3) The landscaping in the buffer area shall meet the minimum landscape plant density chart set forth in Paragraph 16-21-10(a)(3). The landscaping requirement is in addition to the open area landscaping requirements and is determined by identifying the length of the property line or area separating the two (2) dissimilar uses. The resulting additional plants may be incorporated into the overall landscape design as long as these plants are placed between the two (2) dissimilar uses.

(b) Multi-family residential uses. The following is a list of the minimum buffer requirements for multi-family residential uses.

(1) Multi-family adjacent to single-family, duplex, triplex or fourplex housing. Minimum width of buffer to property line: ten (10) feet.

(2) All multi-family uses adjacent to commercial, office, retail, convenience centers or similar use. Minimum width of buffer to property line: fifteen (15) feet.

(3) All multi-family uses adjacent to industrial uses. Minimum width of buffer to property line: twenty (20) feet.

(c) Commercial, business and industrial uses. The following is a list of the minimum buffer requirements for commercial, business and industrial uses.

(1) Commercial, office or retail uses adjacent to single-family use. Width (minimum) of buffer to the property line: fifteen (15) feet. Six-foot-high barrier.

(2) Commercial office or retail use adjacent to all multi-family use or industrial use. Width (minimum) of buffer to the property line: ten (10) feet.

(3) Industrial use adjacent to multi-family use. Width (minimum) of buffer to the property line: fifteen (15) feet.

(4) Industrial use adjacent to single-family use. Width (minimum) of buffer to the property line: twenty (20) feet. Six-foot-high barrier.

(d) Convenience and automobile care centers and service stations.

(1) Adjacent to single-family use. Width (minimum) of buffer to the property line: fifteen (15) feet. Six-foot-high barrier.

(2) Adjacent to multi-family or industrial use. Width (minimum) of the buffer to the property line: ten (10) feet. (Ord. O-10 §1, 2010)

Sec. 16-21-30. Preservation of existing trees.

(a) Where possible, building and parking areas shall be located to preserve and promote the health of existing quality trees. The applicant shall be responsible for locating and preserving where feasible all individual trees of four-inch caliper in size or larger, and massed groups of small trees.

(b) During construction, all possible precautions shall be taken to preserve quality trees. Preservation measures shall include:

(1) Avoiding placing soil against tree trunks and maintaining natural drainage near individual trees.

(2) Restricting vehicular equipment from entering areas scheduled for preservation by providing a barrier around the outside perimeter of the tree's drip line.

(3) Avoiding covering, compacting or destroying more than one-third ($\frac{1}{3}$) of the root area within the drip line.

(4) Selecting ground covers and irrigation systems that are compatible with the water requirements of the trees to be saved. (Ord. O-10 §1, 2010)

Sec. 16-21-40. Street frontage landscaping.

(a) Along street rights-of-way, trees shall be a minimum of a two-and-one-half-inch caliper shade tree or an eight-foot minimum height coniferous tree, placed within twenty-five (25) feet of the road right-of-way and planted as per the planting density chart set forth in Paragraph 16-21-10(b)(3). Trees may be grouped, but the maximum distance between trees or groupings is sixty (60) feet, with exceptions made at entrance drives and intersections.

(b) Median areas within streets shall be designed to emphasize the use of drought-resistant plants and minimize the use of sod, the effects of deicers and snow loading. (Ord. O-10 §1, 2010)

Sec. 16-21-50. Irrigation.

(a) An automatic irrigation system is required for all landscaped areas. All irrigation systems shall be below ground, fully automated systems in compliance with all applicable building code requirements. Use of water-conserving systems such as trickle (drip) irrigation for shrub and tree planting is encouraged. Backflow control devices shall be located or screened so that they are not visible from public streets or parking lots.

(b) Approved landscape plans and irrigation plans including zone watering schedules are required at the building permit stage as part of the project construction plans. Irrigation plans shall meet the watering zone requirements of the approved landscape plan.

(c) To maximize water use efficiency, irrigation systems should be designed with a high application efficiency and with zones that correspond to the differing water requirements of planting areas. Properly applied drip and bubbler irrigation systems are noted for their application efficiencies and can be used effectively to irrigate trees and shrubs in drought-tolerant turf areas and in planting beds. Spray over walkways and roadways shall be minimized for pedestrian comfort, safety and water conservation.

(d) Irrigation shall tie to the water reuse system of the Town. (Ord. O-10 §1, 2010)

ARTICLE XXII

Fences, Hedges and Walls

Sec. 16-22-10. General provisions.

Fences, hedges and walls are subject to the following conditions and requirements:

(1) Fences and walls are subject to the applicable sections of the building code.

(2) No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owners. It is the responsibility of the property owner to locate all property lines.

(3) No fence, hedge or wall shall be placed nearer than twelve (12) inches from a public sidewalk.

(4) Fences, hedges or walls shall not exceed six (6) feet in height except in the industrial districts. The height shall be measured at the finished grade on the side of the fence nearest the street, alley or abutting property.

(5) Fences located within the required front yard setback shall not exceed four (4) feet in height. In addition, on corner lots, any obstruction of any nature whatsoever over thirty (30) inches in height shall not be allowed within the sight triangle established for the adjacent intersection except for trees with branches and foliage removed to a height of seven (7) feet above the ground and open wire fencing that does not obscure more than ten percent (10%). (Ord. O-10 §1, 2010)

Sec. 16-22-20. Barbed wire fences.

(a) No person shall construct, maintain or cause to be constructed or maintained any

barbed wire fence interior to any lot, along any public street, upon or along any boundary line of any such street or in any manner next to any such street for the purpose of enclosing any private grounds or premises, public ground or for any other purpose whatever, except in the A-UR, OS-R, I-L and I-H zones. In industrial zone districts, up to three (3) strands of barbed wire may be attached to the top of a minimum six-foot-high fence, for security purposes.

(b) If such fence was in existence at the time of the original adoption of this Section, the owner or occupant of said property shall not be required to remove the fence until written notice is given or served by the Town. Said notice shall notify the owner or occupant to remove such fence and thereby abate the nuisance. Such notice shall direct that the fence be removed within thirty (30) days. It shall be an affirmative defense that the fence complies with this Chapter. (Ord. O-10 §1, 2010)

Sec. 16-22-30. Fences in residential zones.

(a) Fencing shall relate to the principal architectural features of the building in design, location and the way in which it connects to a building.

(b) Planting shall be integrated with fencing schemes to soften their visual impact.

(c) The tops of fences, except certain low and open types such as split rail, shall be level. If the ground slopes, the fence shall be stepped or follow the terrain. The bottom of the fence shall be no more than six (6) inches above grade at any point depending on fence type. Vertical members shall be plumb and generally not extend beyond the uppermost horizontal portion of the fence. Metal caps on posts are prohibited unless painted to match the fence.

(d) Gates shall match or complement fencing in design, material, height and color.

(e) Long runs of fencing parallel to public streets are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the street. (Ord. O-10 §1, 2010)

Sec. 16-22-40. Fences in B-C, B-R, B-O, I-L and I-H zones.

(a) Objects such as water towers, storage tanks, processing equipment, cooling towers, communication towers, vents and any other structures or equipment shall be compatible with the

building architecture or screened by using fences or walls from adjacent properties, parking areas, public streets and pedestrian walkways.

(b) Materials and colors for fences and walls shall be compatible with the building architecture.

(c) Chain-link fencing is prohibited where visible from public streets.

(d) No fence or wall shall be located within fifteen (15) feet of the front property line or any street right-of-way line.

(e) The tops of fences, except certain low and open types such as split rail, shall be level. If the ground slopes, the fence shall be stepped or follow the terrain. The bottom of the fence shall be no more than twelve (12) inches above grade at any point, depending on fence type. Vertical members shall be plumb and generally not extend beyond the uppermost horizontal portion of the fence. Metal caps on posts are prohibited unless painted to match the fence.

(f) Gates shall match or complement fencing in design, material, height and color. (Ord. O-10 §1, 2010)

ARTICLE XXIII

Storage, Loading and Service Areas

Sec. 16-23-10. Storage areas.

(a) No articles, goods, materials, machinery, equipment, vehicles, plants, trash, animals or similar items shall be stored or kept in the open or exposed to view from adjacent properties, parking areas, public streets or pedestrian walkways.

(b) Articles, goods and materials to be stored other than in an enclosed, covered building shall be enclosed either with a screen fence or wall or screened with heavy plantings of landscape materials.

(c) Vehicles shall be stored in specifically designated areas only. If vehicles shall be stored for more than forty-eight (48) hours, they shall be stored in an area screened from adjacent properties, parking areas, public streets and pedestrian walkways. (Ord. O-10 §1, 2010)

Sec. 16-23-20. Loading and service areas in multi-family and nonresidential areas.

(a) Loading or service areas which are potentially visible from public streets, building entries or pedestrian areas shall be screened from view.

(b) Loading and service areas shall be designed as integral parts of the building architecture.

(c) Loading and service areas shall be designed so that the entire loading or service operation is conducted within the confines of the building site.

(d) Loading and service areas shall include adequate space for maneuvering.

(e) Service to the fronts of buildings is generally acceptable and encouraged.

(f) Secondary and service entrances shall be conveniently located for residents and service vehicles, but shall not detract visually from neighboring properties and public streets.

(g) Loading and unloading. All trucks loading and unloading deliveries to or from a commercial or industrial operation shall be parked to load or unload only on the property of the commercial or industrial use or private property designed for such purpose and not on any public property or any public or private right-of-way designed for vehicular, bicycle or pedestrian access. Such loading or unloading may not occur between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise approved by the Town. (Ord. O-10 §1, 2010)

Sec. 16-23-30. Trash and recycling areas.

(a) Centralized refuse storage facilities shall provide recycling containers pursuant to policies of the Town or the trash contractor.

(b) Homeowners' associations which provide or contract for trash disposal service shall provide recycling containers pursuant to policies of the Town or the trash contractor.

(c) Criteria for trash recycling areas include, but are not limited to, the appropriateness of the collection system for the use of the property, integration of the system with the site plan, minimization of noise and odor and convenience of access.

(d) The Town's goal is to obtain a diversion of fifty percent (50%) recycling from the waste stream. Equal space shall be provided for both garbage and recycling in all new buildings, developments and significant remodels.

(e) Central trash receptacles for solid waste collection shall be:

(1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way; and

(2) Constructed to allow for collection without damage to the development site or the collection vehicle.

(f) All trash receptacles shall be screened to prevent them from being visible to:

(1) Persons located within any dwelling unit on residential property other than that where the receptacle is located;

(2) Occupants, customers or other invitees located within any building on nonresidential property other than that where the receptacle is located, unless such property is used primarily for purposes permitted exclusively in an I-L or I-H zoning district; and

(3) Persons traveling on any public street, sidewalk or other public way. (Ord. O-10 §1, 2010)

ARTICLE XXIV

Parking and Loading

Sec. 16-24-10. Off-street parking spaces required.

(a) The following off-street parking spaces shall be provided with the construction of or addition to any of the buildings and uses listed below. This schedule shall be supplemented by Institute of Transportation Engineers (ITE) schedule of parking in the most current adopted edition, Parking Generation, as it may be amended where the ITE standards are more restrictive. This reference document is on file and available for inspection at the Town Hall.

Parking Space Requirements

<i>Use</i>	<i>Parking Requirements</i>
Residential Uses	
Efficiency or 1 bedroom	1.5 spaces per unit
2 bedrooms	2.0 spaces per unit
3 bedrooms	3.0 spaces per unit
4 or more bedrooms	3.5 spaces per unit
Additional requirements for multiple-family residential and mobile home parks with 6 or more units (guest parking)*	0.25 space for each unit
Multiple-family housing for the elderly or handicapped	0.5 space per unit
Hotels	1 space per bedroom, plus 1 space per employee (busiest shift)
Temporary multi-family or lodges	1.5 spaces per unit, plus 2 spaces for the owner's or manager's unit
Nursing homes, rest homes	1 space per 2 beds, plus 1 space for every 4 employees
Mobile home parks	2.0 per unit, plus 0.5 per unit guest parking

<i>Use</i>	<i>Parking Requirements</i>
Nonresidential Uses	
Drive-in or fast food restaurant	1 space for every 2 seats or 1 space for every 100 sq. ft. of floor area, whichever is greater, plus 1 space for every employee on the

	largest work shift, plus 10 stacking spaces for a drive-up window
Animal hospitals	1 space for every 300 sq. ft. of floor area
Hospitals	1 space for every 2 beds, plus 1 space for each staff doctor and employee on the largest work shift
Motor vehicle sales	1 space for every 500 sq. ft. of floor area
Motor vehicle service and repair	1 space for every 300 sq. ft. of floor area
Business and professional offices	1 space for every 250 sq. ft. of floor area
Medical, dental offices and clinics	1 space for every 200 sq. ft. of floor area
Indoor restaurants and bars	1 space for every 3 seats or 1 space for every 200 sq. ft. of floor area, whichever is greater
Retail businesses, except furniture stores and appliance stores	1 space for every 300 sq. ft. of floor area
Furniture stores, appliance stores	1 space for every 500 sq. ft. of floor area
Wholesale business and warehouses	1 space for every 1,000 sq. ft. of floor area or 1 space for every 2 employees, whichever is greater
Industrial uses (excluding offices) not mentioned specifically as another use in this Section	1 space for every 500 sq. ft. or .75 spaces for under every 1 employee, whichever is greater
Places of public assembly, such as places of worship, auditoriums, rooms	1 space for every 4 seats in the principal meeting place of assembly
Libraries	1 space for every 400 sq. ft. of floor area, plus 1 space for every 2 employees

<i>Use</i>	<i>Parking Requirements</i>
Educational Facilities	
Preschool nurseries or child care centers, kindergarten and elementary schools and middle schools	1 space per classroom, plus 1 space per employee

High schools	1 space per employee, plus 1 space for every 4 students, plus 1 space for every 4 seats in the principal place of assembly (bench capacity is determined as 1 seat per 20 inches)
Recreational facilities	1 space for every 500 sq. ft. of recreational area

NOTE: When determining the number of parking spaces to be required, fractions of spaces shall be rounded to the nearest whole number with 0.5 space being rounded up to 1 space. For example, if the calculation of parking spaces equals 27.25 spaces, then 27 spaces would be required. If the calculation equals 27.5 spaces, then 28 spaces would be required.

* Guest parking may not be included in any parking associated with or directly adjacent to any private neighborhood or community recreation building. Such facility shall have a minimum number of parking spaces based on the capacity of the facility related to the number of dwelling units served or the uses of the facility based on estimated usage at peak hours.

(b) Combination of uses. When one (1) building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The maximum number of parking spaces required for the building shall be the sum of the requirements for each separate use. Under special circumstances, parking requirements may be reduced following reduction standards for combinations of uses. Applicants shall fully document any requests for parking reductions.

(c) Uses not listed. For specific uses not listed, the Town shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

(d) Off-site parking. For any commercial use, the off-street parking requirements for commercial uses only may also be met utilizing the following alternatives if applicable:

(1) Off-street parking spaces may be provided on a site within three hundred (300) feet of the use that generates the parking requirements, provided that the site is owned or under the control of the owner of the parking generator.

(2) The owner of the use may participate in a parking district or parking agreement that assures the Town that the off-street parking requirements will be met. All parking districts or agreements shall be subject to the approval of the Town.

(e) Parking area standards.

(1) Off-street parking areas shall be unobstructed and free of all other uses.

(2) Off-street parking spaces shall have unobstructed access to and from a street. Parking lots with more than eight (8) spaces in a row and a maximum of sixteen (16) spaces in the lot shall have two (2) points of access or a hammer-head space to facilitate exit circulation of vehicles. Parking lots with more than sixteen (16) spaces shall have two (2) points of access or a looped drive system to a common access to facilitate vehicle circulation.

(3) Off-street parking areas, except those for single-family or two-family dwellings, shall be surfaced with asphalt or concrete. Other dustless surfaces, such as washed road base with a chemical dust suppressant, may be approved by the Board of Trustees for parking areas in the industrial districts, based on type of use, location and impact on adjoining properties.

(4) Off-street parking areas with six (6) or more spaces shall be adequately screened from any adjoining residentially zoned lot by landscaping or solid fencing.

(5) Lighting from a parking area may not glare into any adjacent residential area or onto a public street.

(6) Off-street parking areas may be located to jointly serve two (2) or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses. However, this number may be reduced based on the results of a shared parking demand analysis based on recognized standards and methodologies.

(7) Off-street parking spaces shall be at least nine (9) feet by eighteen (18) feet.

(8) Where off-street parking areas designed for parallel parking are established, the dimensions of such spaces shall be not less than twenty-two (22) feet by nine (9) feet.

(9) No more than fifteen (15) parking spaces shall be permitted in a contiguous row without being interrupted by a landscaped area of at least nine (9) feet wide and sixteen (16) feet long, or unless otherwise stated in this Chapter.

(10) In multiple-family areas, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking requirements.

(11) Parking for persons with disabilities shall be provided in an amount or number of off-street spaces for such persons as required by ADA standards or as follows, whichever is greater:

<i>Total Parking in Lot</i>	<i>Required Minimum Number of Accessible Spaces</i>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Each parking space for persons with disabilities shall be a minimum of twelve (12) feet wide and twenty (20) feet long, or as specified by the ADA, whichever is larger.

(12) Minimum width of traffic aisles.

a. Schedule:

Traffic Aisles Schedules

<i>Stall Angle</i>	<i>Direction of Traffic</i>	<i>Minimum Area Width (Feet)</i>
0 parallel	One-way	12
0 parallel	Two-way	24
30	One-way	12
30	Two-way	No angle parking permitted
60	One-way	18
60	Two-way	No angle parking permitted
90	One-way	22
90	Two-way	24

b. Off-street parking areas shall be served with paved ingress/egress having a minimum width of twelve (12) feet for one-way traffic and twenty (20) feet for two-way traffic.

(13) Visitor spaces. Visitor spaces will be provided in multi-family projects larger than a duplex in the amount of one-quarter (0.25) space per unit rounded upwards to the nearest whole space. The number of visitor spaces to be set aside and so labeled for business, office and industrial uses shall be determined on a case-by-case basis, determined by the type of business within the parking requirements of this Section.

(14) Vehicle parking shall not overhang onto a sidewalk unless the effective width of the sidewalk is a minimum of five (5) feet for pedestrian travel.

(f) Shared parking. Applicants are encouraged to explore shared parking and structured parking opportunities. Where shared parking is proposed, a shared parking study, prepared by a professional traffic planner, which justifies the shared parking ratios desired, shall accompany any development proposal. (Ord. O-10 §1, 2010)

Sec. 16-24-20. Off-street loading spaces.

(a) For business and industrial uses, off-street loading spaces containing five hundred (500) square feet, with no dimension less than ten (10) feet, shall be required for new construction or major additions involving an increase in floor area as follows:

(1) New floor area between five thousand (5,000) and twenty thousand (20,000) square feet: one (1) off-street loading space.

(2) New floor area in excess of twenty thousand (20,000) square feet: one (1) off-street loading space for each twenty thousand (20,000) square feet or fraction thereof.

(b) Storage loading and service areas. The intent of this Subsection is to provide for the design of the areas in a functional and aesthetically pleasing manner. The requirements are as follows:

(1) Loading and service areas shall be designed to include adequate space for maneuvering.

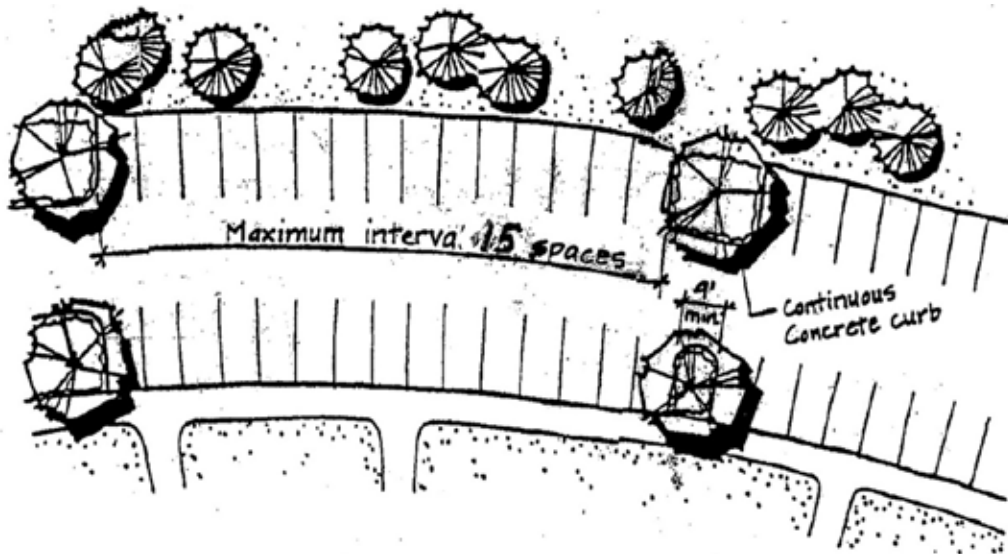
(2) Infrequent and minor service to the fronts of buildings is generally acceptable.

(3) Loading, storage or service areas located on the side or rear of buildings should be hidden from view from adjacent streets and residential uses by intensive planting or opaque screening walls. Such areas shall be designed as integral parts of the building structure. Covering of such areas with a roof may be required. (Ord. O-10 §1, 2010)

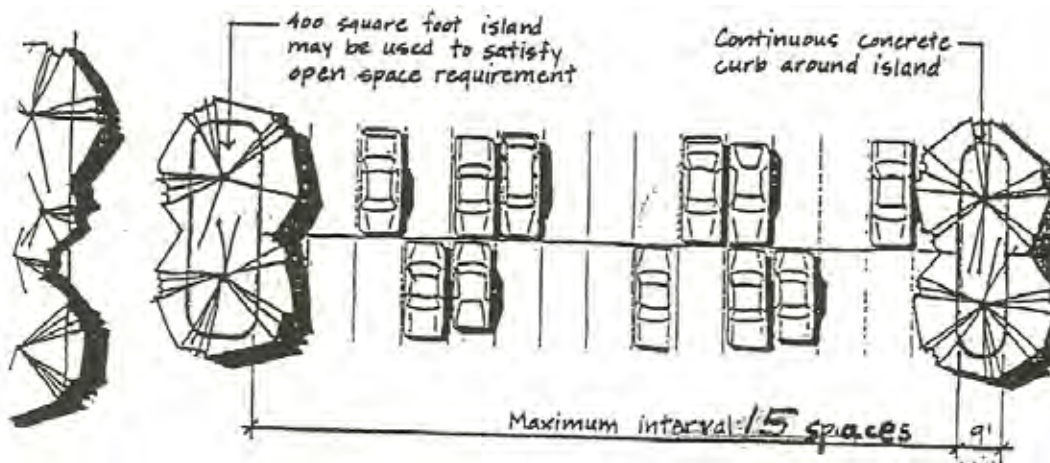
Sec. 16-24-30. Parking area landscaping.

Parking area landscaping in all developments shall appear as follows:

Parking Layout Along Drives



Parking Area Landscaping



(1) Parking areas shall be separated from an arterial right-of-way or residential land use by a minimum twenty-foot landscape buffer, and minimum of fifteen (15) feet from any other street right-of-way and ten (10) feet from any other land use.

(2) The landscaping buffer shall screen parked cars by using walls, berms and screen planting or a combination of these three (3) devices. Walls shall be of a material similar to and compatible with the primary building materials. Development requiring twenty (20) or more parking spaces shall comply with the following additional requirements:

a. Internal landscaping equal to at least five percent (5%) of the parking area, including driveways, is required and shall be located in islands in the area devoted to parking.

b. Parking lot islands shall be no less than nine (9) feet in width and shall be placed so that no more than fifteen (15) cars in a row are located between islands.

c. A minimum of one (1) tree of two-and-one-half-inch-caliper size and three (3) five-gallon shrubs for each ten (10) parking spaces is required. Trees and shrubs shall be placed in parking islands.

d. The height of boundary or interior landscaping shall be limited to a height not to exceed three (3) feet; or, in the case of trees, no branch below six (6) feet, when within fifteen (15) feet of the point of intersection of:

1. A vehicular trafficway or driveway and a street;
2. A vehicular trafficway or driveway and a sidewalk; or
3. Two (2) or more vehicular trafficways, driveways or streets. (Ord. O-10 §1, 2010)

Sec. 16-24-40. Automobile care centers, service stations and convenience stores.

(a) Vehicular circulation and parking. The intent of this Section is to provide for safe and convenient movement of motor vehicles, to limit vehicular/pedestrian conflicts, to limit paved areas, to provide for screening of paved areas and to soften the visual impact of parking lots by providing interior planting. The policies are as follows:

(1) Access to the site shall be from a collector street or, if possible, from a joint access drive from an arterial, to minimize curb cuts into arterial streets.

(2) Parking shall be located for convenient access, yet consideration shall be given to minimizing visual dominance of parking.

(3) Parking is not permitted on any street or in parking setback areas, except that cars may overhang beyond perimeter curbs.

(4) Buffering of large parking lots abutting streets is required as deemed appropriate by the Town.

(5) In parking lots, landscaped islands shall be provided at the ends of all rows of parking. Parking islands shall have a minimum width of nine (9) feet and parking rows may have no more than fifteen (15) cars located between the islands. A continuous poured-in-place concrete curb shall be provided around parking islands to prevent vehicular intrusion. Additional landscaping shall be provided within parking lots in accordance with Section 16-24-30.

(6) The use of concrete or timber parking bumpers is prohibited. Where parking spaces abut perimeter curbs, the length of the spaces may be shortened by no more than two (2) feet to account for the car overhang.

(7) Parking spaces shall be designated by painted lines.

(8) Direct access to parking spaces shall not conflict with circulation at gas pumps, wash bays or stacking space for drive-thru windows or other similar uses.

(9) Service to underground fuel tanks should not conflict with site access. (Ord. O-10 §1, 2010)

Sec. 16-24-50. Parking areas and vehicular circulation in residential zones.

(a) Road layout shall be simple, with a readily accessible entry and a generally uninterrupted flow of circulation. Blind, dead-end streets and redundant road patterns shall be avoided.

(b) Parking lots with more than forty (40) spaces are discouraged. Parking lots shall be separated by at least twenty (20) feet of landscaping.

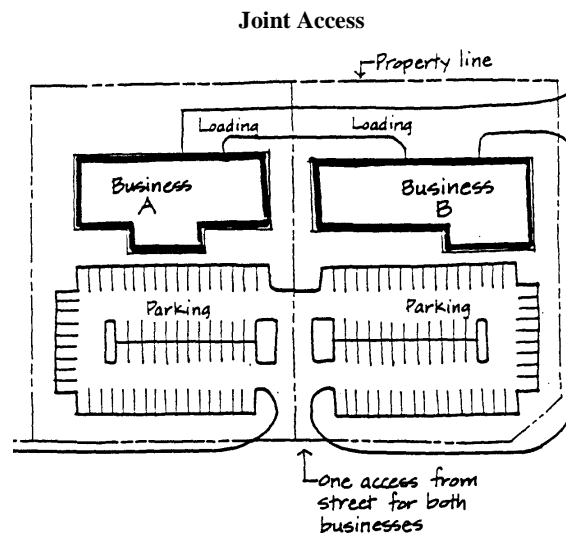
(c) Landscape islands shall be provided at the ends of all interior rows of parking, shall have a minimum width of nine (9) feet and shall be placed so that no more than fifteen (15) cars in a row are located between islands.

(d) No parking bumpers shall be used in parking lots.

(e) Stall length may be reduced by two (2) feet around the outside of a lot where cars hang over curbs that are interior to the parking lot. (Ord. O-10 §1, 2010)

Sec. 16-24-60. Parking areas and vehicular circulation in commercial, business, and industrial zones.

(a) One (1) entrance shall be used for joint access if possible. At the time of the Site Plan review, traffic studies shall carefully evaluate proposed access points for safety considerations, with particular attention given to combined access with adjacent properties, as follows:



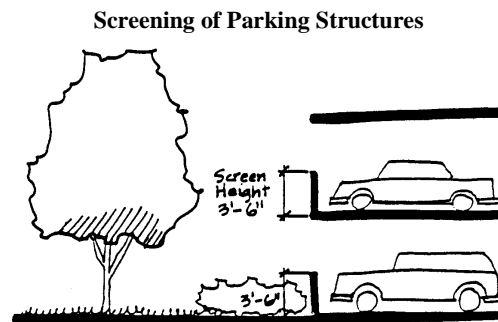
(b) Parking shall be screened from public streets by appropriate landscaping.

(c) In parking lots, landscaped islands should be provided at the ends of all rows of parking. Parking islands shall have a minimum width of nine (9) feet and parking rows may have no more than fifteen (15) cars located between the islands. A continuous poured-in-place concrete curb shall be provided around parking islands to prevent vehicular intrusion. Parking islands may not be used to satisfy the unobstructed open space requirement, except where islands are greater than four hundred

(400) square feet in size. Additional landscaping shall be provided within parking lots in accordance with Section 16-24-30.

(d) The use of parking bumpers in surface parking lots is prohibited. Where parking spaces abut perimeter curbs, the length of the spaces may be shortened to account for the car overhang.

(e) Where parking structures are used, special attention shall be given to the exterior design of the structure so that it is compatible with building architecture. Screening at the perimeter of the structure shall be provided so that automobiles are screened up to a height of three and one-half (3.5) feet above the floor level at each level, as follows:



(f) A ramp driveway entry or exit from a parking structure shall end a minimum of twenty (20) feet inside the property line.

(g) Parking spaces shall be designated by painted lines. (Ord. O-10 §1, 2010)

ARTICLE XXV

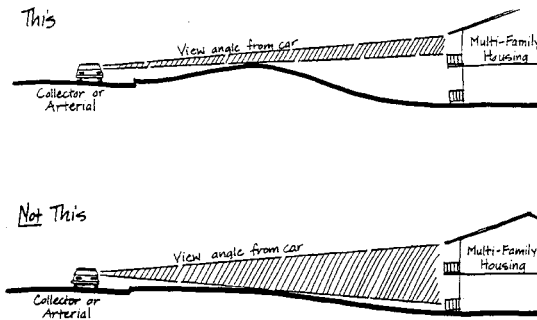
Site Grading and Construction

Sec. 16-25-10. Site grading.

(a) Permit required. No site grading is permitted without a grading permit. Grading permits are issued administratively after submission of a grading application and review and approval of grading plans.

(b) Purpose and goals. The goal of all grading operations is to imitate natural landforms. Long, monotonous, unchanging slopes with severe breaks in slope have an unnatural, manmade appearance and shall be avoided. Landscape berms shall be used to limit negative visual impacts. Grade changes shall be designed imaginatively, accenting or de-emphasizing the change in grade as appropriate. Circulation elements, such as trails and sidewalks, can effectively respond to grade conditions by meandering in long graceful curves, as follows:

Site Grading to Minimize Views



(c) All site grading shall conform to the following requirements:

(1) All grading plans shall indicate "Areas of Disturbance."

(2) The area to be graded shall be kept as small as is practical to avoid leaving large undeveloped, overlot graded areas. After grading, all areas not to be built upon within the same construction season shall be revegetated and other erosion control measures taken as appropriate.

(3) Overlot grading shall preserve existing topographic features where possible and provide positive drainage. Site grading shall meet the following standards:

a. No cut or fill slopes of any type shall be steeper than 3:1 with smooth vertical transitions. In streams and detention ponds, slopes may not exceed 4:1. Where space limitations demand, terracing with approved retaining walls shall be utilized. Retaining walls over four (4) feet in height shall be designed by a licensed structural engineer.

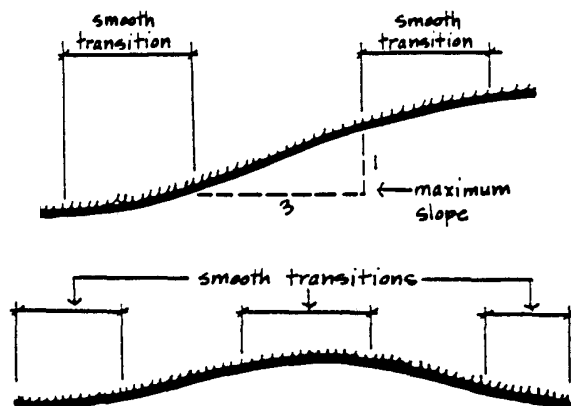
b. Overlot grading and grading of berms, channels and swales shall be designed with smooth vertical transitions between changes in slope.

c. The use of inverted crowns in streets, drives or parking lots is prohibited.

d. Berms shall be designed with 3:1 side slopes and a minimum top width of two (2) feet and with smooth vertical transitions.

e. Grading shall blend smoothly with adjacent property grades. Adherence to this requirement shall be demonstrated by the applicant in the final grading plan by showing off-site existing contours within one hundred (100) feet, and by showing proposed grades for all future phases of development within the applicant's project, as follows:

Grading Concepts



f. Prior to issuance of a certificate of occupancy, the applicant shall provide to the Town as-built grading contours at the same scale as the approved grading plan. The following statement shall be signed and sealed by a professional engineer or professional land surveyor licensed in the State: "The grading shown on the grading as-built information shown on these plans complies with the intent of the overlot grading as approved by the Town of Superior." Acceptable vertical deviation shall be plus or minus two-tenths (0.2) feet.

g. Graded areas shall be surrounded by erosion fencing as determined by the Town Engineer in an effort to minimize soil erosion and compaction and destruction of vegetation.

h. Engineering for swales may be required as determined by the Town or SMD1. (Ord. O-10 §1, 2010)

Sec. 16-25-20. Construction practices and phasing.

(a) To minimize soil erosion by water and wind, an erosion control plan shall be submitted by an applicant for a grading permit in accordance with Town ordinances.

(b) Construction sites shall be maintained in a neat and orderly manner. All trash shall be kept in enclosed containers and emptied frequently.

(c) Construction access shall be carefully coordinated. Special care shall be taken to protect existing pavements from damage. Cuts in existing pavements shall be closed in and restored to their original condition as soon as possible. The Town may require security in the form of cash or letter of credit to repair Town streets damaged by construction traffic.

(d) Project phasing shall be carefully planned to provide for interim use of land and for logical sequencing of circulation, parking and building development. Measures shall be taken to avoid an unfinished look at the end of any one (1) phase.

e) Erosion and sediment control practices shall adhere to the "Urban Storm Drainage Criteria Manual – Volume 3 – Best Management Practices" unless waived by the Town. All construction documents will include an erosion and sediment control plan as part of the final construction plans. (Ord. O-10 §1, 2010)

Sec. 16-25-30. Existing prairie dog colonies.

If there is a healthy, living prairie dog colony located on property to be developed prior to the time of excavation, grading or issuance of a building permit, whichever occurs first, the applicant shall relocate or otherwise remove such prairie dog colony as may be approved by the State Division of Wildlife and the Town prior to any excavation, grading or building on the property. Relocation to a Colorado Division of Wildlife approved site shall occur in a manner that is safe and humane to the prairie dogs. The applicant shall advise the Town in writing of its relocation plans prior to starting the relocation. (Ord. O-10 §1, 2010)

ARTICLE XXVI

Drainage, Stormwater Management and Erosion Control

Sec. 16-26-10. Natural drainage system preferred.

(a) To the extent practicable, development shall conform to the natural contours of the land, and natural and preexisting manmade drainage ways shall remain undisturbed.

(b) To the extent practicable, lot boundaries shall coincide with natural and preexisting manmade drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways. (Ord. O-10 §1, 2010; Ord. O-6 §1, 2012)

Sec. 16-26-20. Proper drainage.

(a) Developments shall include a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan; or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.

(b) No surface water may be channeled or directed into a sanitary sewer.

(c) When practicable, the drainage system shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(d) Drainage structures and flood control measures shall be constructed according to the more restrictive of the then-applicable SMD1 Rules and Regulations, Urban Drainage and Flood Control District or Boulder County criteria, except as provided hereafter. Water depth in a one-hundred-year event shall not exceed six (6) inches in parking lots. (Ord. O-10 §1, 2010; Ord. O-6 §1, 2012)

Sec. 16-26-30. Stormwater management.

(a) Drainage and floodplain systems shall be designed to permit the unimpeded flow of natural water courses.

(b) Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments.

(1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial change to such higher adjacent properties; and

(2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(c) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but, where applicable, shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

(d) The drainage system shall be designed to prevent any increase in discharge from the development site as a result of development unless it is in a master drainage plan area; then it shall conform to the master drainage plan. Stormwater drainage from the site shall be restricted by the drainage system to a rate equal to the historic discharges from the undeveloped site unless it is in a master drainage plan area.

(e) Complete drainage systems for the entire development area shall be designed by a professional engineer licensed in the State and qualified to perform such work. All existing drainage features which shall be incorporated in the design shall be so identified. All proposed surface drainage structures shall be indicated and all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans. If the development is to be constructed in phases, a general drainage plan for the entire area shall be presented with the first phase and appropriate development stages for the drainage system for each phase shall be indicated.

(f) A study detailing methods of handling all drainage shall be approved by the Manager. (Ord. O-10 §1, 2010; Ord. O-6 §1, 2012)

Sec. 16-26-40. Drainage and stormwater within the Coal Creek Basin.

All plans and permits for construction within the Coal Creek Basin shall be approved by the Town only if the application is in conformance with and provides for the drainage improvements and stormwater control set forth in the current Coal Creek Master Drainage Plan for the property for which plan or permit approval is sought. For purposes of this Section, the *Coal Creek Basin* shall mean all properties within the boundaries of the Town lying north of the Superior Water Treatment Plant. (Ord. O-10 §1, 2010; Ord. O-6 §1, 2012)

ARTICLE XXVII

Steep Slope Areas

Sec. 16-27-10. Purpose.

Land which has slopes in excess of twenty percent (20%) shall be designated as a steep slope area, which is susceptible to erosion, and development has the potential of creating unstable slope conditions that are hazardous to inhabitants and property. (Ord. O-10 §1, 2010)

Sec. 16-27-20. Restrictions.

(a) In such steep slope areas, the owner shall have the burden to present evidence satisfactory to the Board of Trustees during the development review process that any proposed improvements shall be constructed in such a manner as to minimize the effects of the potential hazardous conditions prior to the issuance of any building permit.

(b) The Board of Trustees may require that such evidence be prepared by a registered professional engineer or professional geologist.

(c) The criteria set forth in the adopted Building Code shall be met or agreed to as applicable, prior to any issuance of a building permit on land designated as steep slope area. (Ord. O-10 §1, 2010)

Sec. 16-27-30. Review at applicant's expense.

Should the Board of Trustees determine that its review of any application requires assistance or consultation with an independent consultant competent in the particular technical aspects involved in the application, the applicant shall be liable for the costs incurred by the Board of Trustees in obtaining such advice and assistance. (Ord. O-10 §1, 2010)

ARTICLE XXVIII

Subsidence Hazard Areas

Sec. 16-28-10. Purpose.

(a) Portions of the Town designated as being in subsidence hazard areas are underlain by abandoned coal mine workings. These areas are depicted on the "Subsidence Hazard Map" that is part of a report entitled "Coal Mine Subsidence and Land Use in the Boulder-Weld Coalfield, Boulder and Weld Counties, Colorado." A copy of the report and accompanying maps are available for inspection during regular business hours at Town Hall.

(b) Subsidence hazard areas are classified as "severe," "moderate" or "low," based on the probable relative severity of potential subsidence in any given area. (Ord. O-10 §1, 2010)

Sec. 16-28-20. Restrictions.

(a) An applicant for development in any subsidence hazard area shall have the burden to present evidence satisfactory to the Town that the improvements proposed shall be constructed in such a manner as to minimize the effects of the potential hazard conditions which may exist on the site.

(b) Such evidence shall be supported by applicable studies and recommendations conducted and prepared by a registered professional engineer or professional geologist competent in the field of soils and rock mechanics. Supporting information shall include, but not necessarily be limited to, the results of appropriate subsurface testing through core drilling or geophysical surveys. (Ord. O-10 §1, 2010)

ARTICLE XXIX

Mobile Homes

Sec. 16-29-10. Individual lots.

Mobile homes placed on individual platted lots in districts other than the R-MH zone district shall conform to the following criteria:

(1) The mobile home unit shall be no less than twenty-four (24) feet wide and thirty-six (36) feet in length.

(2) The mobile home unit shall be installed on a permanent, engineered perimeter foundation.

(3) The mobile home unit shall have a brick, wood or cosmetically equivalent exterior siding and a pitched roof.

(4) The mobile home unit shall be certified by the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended.

(5) All special provisions adopted by the Town, such as snow load, wind shear and energy conservation measures, shall apply to mobile homes. (Ord. O-10 §1, 2010)

Sec. 16-29-20. Mobile home parks and subdivisions.

Mobile home parks may only be developed in the R-MH zone district. All removal or placement of mobile homes require a building permit. (Ord. O-10 §1, 2010)

Sec. 16-29-30. Exceptions.

(a) Existing mobile home parks. When a mobile home park was in existence in the Town on the effective date of this Chapter or was annexed to the Town after the effective date, and such mobile home park complied with all applicable land use regulations then in effect, the mobile home park shall be legally nonconforming.

(b) Existing individual mobile homes not within a mobile home park. When any mobile home was in existence in the Town on the effective date of this Chapter or was annexed to the Town after the effective date, and such mobile home complied with all applicable land use regulations and

ordinances then in effect, the mobile home shall be considered to be legally nonconforming and shall not be subject to this Section. (Ord. O-10 §1, 2010)

Sec. 16-29-40. Mobile home subdivisions.

Applications for mobile home subdivisions shall adhere to all applicable requirements for mobile home parks, and shall also conform to the requirements and design standards for subdivisions. Should those requirements conflict, the stricter shall apply. (Ord. O-10 §1, 2010)

Sec. 16-29-50. Application.

The application shall contain the following information:

- (1) Name and permanent address of the applicant.
- (2) Location and legal description of the proposed mobile home park.
- (3) Topographic map of the proposed park, showing entrances, exits, driveways, walkways and the design and arrangement of the mobile home spaces and permanent structures.
- (4) Plans and specifications of the proposed buildings.
- (5) Additional information as may be required by the Manager. (Ord. O-10 §1, 2010)

Sec. 16-29-60. Development standards.

(a) All mobile home parks shall conform to the sanitary standards and regulations for mobile home parks, State Department of Public Health and Environment, as amended.

(b) The Planning Commission may aid its decision on design by criteria set forth in the "Mobile Home Court Developer's Guide," a U.S. Department of Housing and Urban Development (HUD) guide. (Ord. O-10 §1, 2010)

Sec. 16-29-70. Area requirements.

(a) The mobile park shall be located on a well-drained site, graded for rapid drainage and free from stagnant pools of water.

(b) Each mobile home shall be contained within a space or lot as specified in the R-MH District regulations.

(c) Within each space or lot allocated to a mobile home, there shall be provided a mobile home stand for satisfactory placement of the mobile home and retention of the mobile home in the allocated space and have a satisfactory relationship to its surroundings.

(d) Mobile home stands shall have minimum dimensions equal to those of the mobile home to be placed on them.

(e) The space between the lower edge of the mobile home unit and the mobile home stand shall be completely enclosed with suitable and uniform material. (Ord. O-10 §1, 2010)

Sec. 16-29-80. Parking.

(a) There shall be at least two and one-half (2½) off-street parking spaces provided for each mobile home unit within the park. Of these, one-half (½) space per unit may be provided for guests in a common parking area.

(b) All parking surfaces shall be graveled or hard surfaced. (Ord. O-10 §1, 2010)

Sec. 16-29-90. Streets and access.

(a) The mobile home park shall have at least two (2) accesses to a public street or highway. No site within the park shall have direct vehicular access to a public street bordering the development.

(b) Mobile home spaces shall have unobstructed access to a public street or highway or private roadway.

(c) Paved streets at least twenty-two (22) feet in width shall extend from the existing street system as necessary to provide convenient access to each mobile home stand and to common facilities and uses. Private streets shall be permitted in a R-MH District.

(d) Roads or streets, whether public or private, shall be hard-surfaced and constructed to Town specifications.

(e) Convenient access shall be provided to each mobile home stand by an access way at least fifteen (15) feet in width. Such access way shall be reserved for maneuvering mobile homes into position and shall be kept free of trees and other immovable objects, but need not be paved. (Ord. O-10 §1, 2010)

Sec. 16-29-100. Pedestrian access.

(a) Pedestrian walkways, at least two (2) feet in width and having an all weather surface, shall be provided for access to each mobile home from a paved street or driveway or parking area connected to a public street.

(b) Common walkways at least three (3) feet in width and having an all weather surface shall be provided for access to common facilities and uses from each mobile home group or cluster. Walkways through the interiors of blocks are preferable to walkways adjacent to streets. (Ord. O-10 §1, 2010)

Sec. 16-29-110. Utilities.

(a) Gas and electricity. Each mobile home space shall be provided with an electrical outlet supplying at least one hundred ten (110) volts and shall comply with the National Electrical Code and all applicable laws, rules and regulations.

(b) Water supply.

(1) Mobile home parks shall have all spaces on stands connected to the public water supply of the Town.

(2) The water distribution system shall be so constructed that no more than one (1) mobile home lot will be without water as a result of water service line breakage or repairs within the park.

(3) Water service lines, including valves, riser pipes and connections, shall be installed in compliance with the adopted plumbing code. Every mobile home lot shall be provided with an individual water service pipe and riser pipe in conformance with the adopted plumbing code. The riser pipe shall extend at least four (4) inches vertically above ground unless it is shielded by a riser protector and casement extending above ground and fitted with a lid. The riser shall terminate with two (2) threaded, valved outlets which provide connections for the mobile home water piping and for a garden hose. The mobile home water outlet shall be securely capped when a mobile home does not occupy the lot. (Ord. O-10 §1, 2010)

Sec. 16-29-120. Liquid waste disposal.

(a) Mobile home parks shall have all spaces or stands connected to an approved public sewer system serving the Town.

(b) The sewer service connection shall be equipped with standard screw, ring or clamp-type fittings or adapters so that watertight and tamper-proof connections can be obtained at the mobile home drain outlet and sewer riser pipe. The connection shall be of approved semi-rigid, noncollapsible, corrosion-resistant pipe having a smooth interior surface and an inside diameter of not less than three (3) inches.

(c) The sewer service connection shall be installed and maintained with a uniform grade not less than one-quarter ($\frac{1}{4}$) inch per foot and shall be no longer than necessary to connect the mobile home drain and sewer riser pipe.

(d) When a mobile home does not occupy the mobile home stand, the sewer riser pipe shall be capped with a watertight cap or plug. (Ord. O-10 §1, 2010)

Sec. 16-29-130. Refuse disposal and recycling.

(a) The storage, collection and disposal of refuse and recycling shall be so constructed as to control odors, insects, rodents and other nuisance conditions.

(b) Durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home lot or at a central storage area conveniently located not more than two hundred (200) feet from any mobile home lot. Refuse containers shall be provided at a rate of at least one (1) thirty-gallon (4 cu. ft.) container for each mobile home lot or an equivalent storage capacity in centralized storage facilities. Centralized refuse storage facilities shall provide recycling containers as per the policies of either the Town or the contracted trash disposal services.

(c) The number of containers used and the frequency of collection shall be sufficient to prevent over-filled containers. Refuse and recycling shall be routinely collected and removed from the premises not less than once weekly. Refuse and recycling shall be disposed of at a lawful disposal site in accordance with requirements of the Colorado Solid Waste Disposal Site and Facilities Act.

(d) Garbage, trash and recycling collection stations shall be screened from other activities by visual barriers such as fences, walls or natural growth. (Ord. O-10 §1, 2010)

Sec. 16-29-140. Service lines.

Utility service lines, including telephone lines and television signal cables, within the mobile home park shall be installed underground. (Ord. O-10 §1, 2010)

Sec. 16-29-150. Setbacks.

(a) The minimum distance from the line or corner of any mobile home stand to private street pavement, common parking bay or common walk shall be ten (10) feet. Setbacks from public streets shall conform to R-MH District standards.

(b) The minimum distance from the line or corner of any mobile home stand to a boundary line of the mobile home park shall be twenty (20) feet.

(c) The minimum distance from the line or corner of any mobile home stand to any permanent building or structure for common use shall be twenty (20) feet.

(d) Permanent buildings and structures for common facilities and dwelling units other than mobile homes shall be set back from the mobile home park boundaries a minimum distance of twenty (20) feet.

(e) The minimum distance from the parking area on the lot or mobile home stand site to the side lot line shall be ten (10) feet.

(f) The minimum distance between mobile homes shall be twenty (20) feet. (Ord. O-10 §1, 2010)

Sec. 16-29-160. Common facilities and uses.

(a) Not less than thirty percent (30%) of the total land area of a mobile home park shall be devoted to space for common facilities and uses, such as a laundry, swimming pool or recreation and play areas.

(b) Laundry, recreation rooms, management offices and other common facilities may be consolidated in a single building if the single location will adequately service all mobile home units in a mobile home park. (Ord. O-10 §1, 2010)

Sec. 16-29-170. Storage.

(a) Tenant storage facilities shall be provided for materials which cannot be conveniently stored in a mobile home. A minimum of four hundred (400) cubic feet of storage space shall be provided for each mobile home unit.

(b) Storage facilities may be located adjacent to the mobile homes or in common compounds within a reasonable distance from the mobile homes. Storage facilities shall be designed in a manner that will enhance the park and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated.

(c) No metal storage facility shall be allowed. (Ord. O-10 §1, 2010)

Sec. 16-29-180. Landscaping.

(a) Lawn and ground cover, which may include aggregates, shall be provided on all common ground areas except those covered by structures, paved or surfaced areas, and except those undisturbed areas, such as watercourses left in their natural state.

(b) Screen planting or fencing at least six (6) feet high shall be provided where necessary for screening purposes, such as around the mobile home park boundary lines, refuse and recycling collection points, common recreation areas and playgrounds, and at such other points as necessary for screening of objectionable views.

(c) A complete landscaping plan shall be submitted which shall show existing trees and shrubs which shall be maintained and new trees and shrubs which shall be planted. The plan shall include the size and type of planting proposed, their spacing and maintenance provisions. (Ord. O-10 §1, 2010)

Sec. 16-29-190. Tie-downs and blocking.

(a) Mobile homes shall be secured against wind damage by blocking and tie-downs.

(b) Blocking.

(1) Base. Piers shall be placed on footings of concrete with a minimum dimension of sixteen (16) by sixteen (16) by four (4) inches.

(2) Piers. Piers shall be one (1) or more eight-by-eight-by-sixteen-inch celled concrete block. Piers shall be placed over the footings with the long dimension cross ways to the main frame members and centered under them, with cells vertical. Pier heights shall be such that the mobile home will be located as close to the ground as possible.

(3) Spacing. Piers shall be provided under the main frame of the mobile home at intervals of not more than eight (8) feet. End piers shall be placed no more than five (5) feet from the extreme ends of the mobile home.

(4) Caps. Piers shall be topped with eight-by-sixteen-by-four-inch solid concrete.

(5) Shims. Hardwood shims shall be driven tightly between the cap and the main frame member to provide uniform bearing. They shall not be more than four (4) inches in thickness and of sufficient width to provide bearing.

(c) Ground anchorage. Tie pads or anchors may be used, tie pads being preferred.

(1) Tie pads construction. Concrete slab on grade over caissons containing stirrup ties of five-eighths-inch deformed reinforcing rod.

(2) Steel anchor construction. Five-eighths-inch-by-five-foot steel anchors with closed eye driven to maximum depth is approved unless unstable soil conditions exist, as determined by the Building Inspector.

(d) Tie-downs. Each tie-down shall be constructed and installed for each mobile home as provided below:

<i>Required Length of Mobile Home</i>	<i>Number of Ground Anchors</i>	<i>Required Tie-down Sets</i>
Up to 50 feet	4	2 sets
50 to 70 feet	6	3 sets
Over 70 feet	8	4 sets

(1) Number of tie-down slabs of concrete to correspond to length of mobile home with dimensions to be three (3) feet wide, four (4) feet long, one (1) foot thick and to be placed level with ground surface.

(2) Cables shall be galvanized or stainless steel one-quarter-inch diameter or larger (6 x 9 IWRC Wire Rope) or three-eighths-inch diameter or larger (6 x 7 Wire Rope).

(3) Turnbuckles shall be one-half-inch galvanized steel or larger "eye and eye," jaw and jaw" or "jaw and eye." No hook ends or open "eyes" are permitted. Turnbuckles shall be adjusted to draw the cables for tight anchorage.

(4) Cable (wire rope) ends shall be secured with at least two U clamps, faces opposed.

(5) Tie-down cables shall be placed so that they assume not less than a forty-five-degree angle from the footing of the piers and at an approximate right angle to the mobile home. (Ord. O-10 §1, 2010)

Sec. 16-29-200. Lighting.

Access roads and walkways within the mobile home park shall be lighted at night with a minimum illumination of at least six-tenths (0.6) foot-candle. Twenty-five-watt lamps at intervals of not more than one hundred (100) feet shall meet these requirements. (Ord. O-10 §1, 2010)

Sec. 16-29-210. Safety.

Each mobile home park shall be equipped at all times with fire-extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the Rocky Mountain Fire District. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. (Ord. O-10 §1, 2010)

ARTICLE XXX

Swimming Pools

Sec. 16-30-10. Location.

Swimming pools may be located in any zone district as an accessory use, provided that such pools are situated on a lot, tract or parcel in a manner which is not detrimental to the health, safety and welfare of the users of the pool or the adjacent property owners and which meet the design standards of the zone district in which the pool is located. (Ord. O-10 §1, 2010)

Sec. 16-30-20. Enclosed.

All swimming pools shall be completely enclosed by a minimum of a four-foot-high fence, or be elevated at least four (4) feet above the ground level. (Ord. O-10 §1, 2010)

Sec. 16-30-30. Areas to be kept closed.

Swimming pool areas and all accesses thereto shall be kept closed and made inaccessible without the knowledge and consent of the owner. (Ord. O-10 §1, 2010)

ARTICLE XXXI

Telecommunications Facilities

Sec. 16-31-10. Purposes and applicability.

(a) Purposes. The purposes of this Article are:

- (1) To minimize the adverse impacts of telecommunications facilities;
- (2) To locate telecommunications facilities in nonresidential areas;
- (3) To minimize the total number of telecommunications facilities in the community;
- (4) To encourage the joint use of new and existing telecommunication facility locations;
- (5) To ensure that telecommunications facilities minimize adverse visual impacts through careful design, appropriate siting, landscape screening and innovative camouflaging techniques;
- (6) To enhance the ability to provide telecommunications services to the Town quickly, effectively and efficiently;
- (7) To protect the public health, safety and welfare;
- (8) To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures; and
- (9) To encourage the attachment of antennae to existing telecommunication facility structures.

(b) Applicability. This Article shall apply to all telecommunications facilities except any tower or antenna owned and operated by a federally licensed amateur radio station operator or used exclusively as a receive-only facility. (Ord. O-10 §1, 2010)

Sec. 16-31-20. Towers.

(a) Approval required. Towers are prohibited in residential and open space natural districts. A special use permit shall be required prior to the location of a tower in all planned development, commercial, mixed use, industrial, agricultural urban reserve and open space recreational zone districts.

(b) Setbacks.

(1) Any tower located within two hundred fifty (250) feet of any property zoned for residential use shall be set back from each property line one (1) foot of distance for every one (1) foot of tower height, plus an additional ten (10) feet.

(2) Any tower located more than two hundred fifty (250) feet from property zoned for residential use shall meet the minimum setback requirements for buildings and structures in the underlying zone district.

(c) Height. Towers shall not exceed the maximum structure height limit in the underlying zone district unless the special use permit specifically allows the facility to exceed that limit. Under no circumstances shall a tower exceed one hundred (100) feet in height.

(d) Design standards.

(1) Towers. Towers shall meet the following design standards to minimize impacts on surrounding properties:

a. The tower shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area, subject to any Federal Aviation Administration (FAA) regulations.

b. Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

c. All towers shall accommodate co-location, as described in Section 16-32-60.

(2) Support facilities. Tower-mounted support facilities shall meet the following design standards to minimize impacts on adjacent properties:

a. The total area of all support facilities shall not exceed four hundred (400) square feet per tower.

b. Support facilities shall be grouped as closely together as technically possible.

c. No support facility shall exceed fifteen (15) feet in height.

d. Any support facilities that could be dangerous to persons or wildlife shall be adequately fenced.

(e) Signage. Signs shall be limited to those signs required for cautionary or advisory purposes only.

(f) Illumination. Towers shall not be artificially illuminated unless required by the FAA or other governmental regulations. Ground level security lighting not more than fifteen (15) feet in height may be permitted if it does not project glare onto other properties and is designed to minimize impacts on adjacent properties.

(g) Screening and landscaping. If the tower is within two hundred fifty (250) feet of a residential or mixed use district, screening and landscaping shall be provided as follows:

(1) Screening. The base of the tower shall be screened by a solid view-obscuring fence not less than six (6) feet in height, or a finished masonry wall of similar material and finish to the primary structure on the site.

(2) Landscaping. Landscaping shall be provided as follows:

a. The area around the tower shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base from residential properties. The standard buffer shall consist of a landscaped strip at least five (5) feet in width outside the perimeter of the fence described herein and shall be composed of at least fifty percent (50%) coniferous or broadleaf evergreens that will reach at least five (5') feet in height at maturity.

b. In locations where the visual impact of the tower would be minimal, or where landscaping would not reduce or alleviate the visual impact of the tower, the Manager may waive the landscaping requirement.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers located on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer. (Ord. O-10 §1, 2010)

Sec. 16-31-30. Wall-mounted facilities.

(a) Approval required. Wall-mounted facilities are prohibited in residential and open space natural districts. A special use permit shall be required prior to the location of a wall-mounted facility in all planned development, commercial, mixed use, industrial, agricultural urban reserve and open space recreational zone districts.

(b) Height.

(1) If the roof of the building is pitched, the facility shall not extend above the roof line of the building. For purposes of this Section, the roof line does not include already existing facilities and equipment located on the roof.

(2) If the roof of the building is flat, the facility shall not extend above the roof line of the building. For purposes of this Section, the roof line includes already existing facilities and equipment on the roof.

(c) Design standards. Wall-mounted facilities shall meet the following design standards to minimize impacts on surrounding properties:

(1) Each facility shall be screened from view of adjacent properties or passersby, or colored to match the building or structure to which it is attached.

(2) The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend more than two (2) feet above the building wall.

(d) Signage. Signs shall be limited to those signs required for cautionary or advisory purposes.

(e) Support facilities. Support facilities shall be placed inside the building if feasible. All support facilities shall be grouped as closely as technically possible, and the total area of all support facilities shall not exceed four hundred (400) square feet per building-mounted facility. If support facilities are located outside of the building, they need to blend in with the architecture of the building if viewed from a public street. If screen walls are used, they need to match the exterior materials of the building. Ground level security lighting not more than fifteen (15) feet in height may be permitted if it does not project glare onto other properties and is designed to minimize impacts on adjacent properties. (Ord. O-10 §1, 2010)

Sec. 16-31-40. Roof-mounted facilities.

(a) Approval required. Roof-mounted facilities are prohibited in residential and open space natural districts. A special use permit shall be required prior to the location of a roof-mounted facility in all planned development, commercial, mixed use, industrial, agricultural urban reserve and open space recreational zone districts.

(b) Height.

(1) The maximum allowable height of a roof-mounted facility shall be planned in consultation with Town staff on a case-by-case basis.

(2) Under no circumstances shall a roof-mounted facility extend more than seven (7) feet above the roof line of the building. For purposes of this Section, the roof line includes parapets and equipment already existing on the roof but does not include other roof-mounted facilities.

(3) When determining the maximum allowable height for the facility, staff shall consider the purpose of and technological constraints affecting the facility, the topography and location of other structures and obstructions in the area, the height of the building, the height and appearance of other appurtenances on the building, if any, and the distance between the location of the facility and the edge of the building. The Town's goal is to encourage the location of roof-mounted facilities as far from the edge of the roof or parapet as possible.

(c) Design standards. Roof-mounted facilities shall meet the following design standards to minimize impacts on the surrounding properties:

(1) The facility shall be screened from view or colored to match the building or structure to which it is attached.

(2) Antennae, support structures, screening, accessory equipment and all other roof-mounted appurtenances shall not exceed a total of twenty-five percent (25%) of the total surface area of the building roof per facility.

(d) Signage. Signs shall be limited to those signs required for cautionary or advisory purposes.

(e) Support facilities. Support facilities shall be placed inside the building if feasible. All support facilities shall be grouped as closely as technically possible, and the total area of support facilities shall not exceed four hundred (400) square feet per roof-mounted facility. If support facilities are located outside of the building, they need to blend in with the architecture of the building if viewed from a public street. If screen walls are used, they need to match the exterior materials of the building. Ground level security lighting not more than fifteen (15) feet in height may be permitted if it does not project glare onto other properties and is designed to minimize impacts on adjacent properties. (Ord. O-10 §1, 2010)

Sec. 16-31-50. Pole-mounted facilities.

(a) Approval required. Pole-mounted facilities are prohibited in residential and open space natural districts. A special use permit shall be required prior to the location of a pole-mounted facility in all planned development, commercial, mixed use, industrial, agricultural urban reserve and open space recreational zone districts.

(b) Height. Pole-mounted facilities shall not exceed the maximum structure height limit in the underlying zone district unless the special use permit specifically allows the facility to exceed that limit. Under no circumstances shall a pole-mounted facility exceed one hundred (100) feet in height.

(c) Design standards. A pole-mounted facility shall adhere to the following design standards to minimize impacts on surrounding properties:

(1) The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.

(2) The facility shall be colored to match the pole to which it is attached.

(d) Support facilities. The total area of all support facilities shall not exceed four hundred (400) square feet per pole-mounted facility. Support facilities shall be screened from view by vegetation, fencing or another comparable method of screening. No support facility shall exceed fifteen (15) feet in height.

(e) Illumination. Pole-mounted facilities shall not be artificially illuminated unless required by the FAA or other governmental regulation, provided that flagpoles may be illuminated at night if they are flying the national flag; and ground level security lighting of not more than fifteen (15) feet in height may be permitted if it is designed to minimize glare and impacts on adjacent properties. (Ord. O-10 §1, 2010)

Sec. 16-31-60. Co-location.

(a) Antennae may be attached to an existing tower which is in compliance with all applicable requirements of this Article, upon administrative approval, if the height of the tower is not increased and the new antennae and any support facilities comply with all applicable regulations of this Article.

(b) Any modification or reconstruction of a tower that increases the tower's height shall require a new special use permit.

(c) Antennae shall not be attached to an existing tower which does not comply with all applicable requirements of this Article without a new special use permit. (Ord. O-10 §1, 2010)

Sec. 16-31-70. Abandonment.

A telecommunications facility that is not operated for a continuous period of one hundred eighty (180) consecutive days shall be considered abandoned, and the special use permit or administrative approval shall expire. The owner of any abandoned telecommunications facilities shall remove the same within ninety (90) days of the date of abandonment. (Ord. O-10 §1, 2010)

ARTICLE XXXII

Bed and Breakfast Establishments

Sec. 16-32-10. Application for permit.

An application for a special use permit for a bed and breakfast establishment shall comply with this Article. (Ord. O-10 §1, 2010)

Sec. 16-32-20. Criteria.

All bed and breakfast establishments shall, in addition to any other applicable requirements, meet the following criteria:

- (1) A proprietor or manager shall be required to reside on the premises.
- (2) Guest rooms shall be located only in the principal building on a property or lot.
- (3) Parking shall be provided in the form of one (1) off-street parking space per guest room.
- (4) All applications shall comply with the adopted building code, with the exception of the following:
 - a. In pre-existing buildings, the stairway width may be thirty (30) inches.
 - b. In pre-existing buildings, the stair head clearance may be six and one-half (6.5) feet.
- (5) Meals shall be served only to permanent residents and overnight guests.
- (6) The maximum length of any guest's stay shall be not more than twenty-nine (29) days.
- (7) Other than servicing guests, the use shall not include any other commercial activity, including, for example, for-profit private parties or receptions, retail sales or similar activities, except as allowed in any special use permit.

(8) Signage shall be nonilluminated, shall architecturally complement the principal structure and shall comply with this Article. (Ord. O-10 §1, 2010)

Sec. 16-32-30. Denial of special use permit.

In addition to any other legal basis for denial, a special use permit for a bed and breakfast establishment may be denied for any of the following reasons:

- (1) The permit application does not meet the criteria established in Section 16-33-20.
- (2) The permit application will have an adverse impact on the traffic or parking patterns of the neighborhood.
- (3) The permit application will have an adverse effect on the existing character of a neighborhood. (Ord. O-10 §1, 2010)

ARTICLE XXXIII

Sexually Oriented Businesses

Sec. 16-33-10. General.

(a) It is unlawful to cause or permit the operation, establishment or maintenance of a sexually oriented business outside of either the High Industrial (I-H) or Low Industrial (I-L) Zone District. It is unlawful to cause or permit the operation, establishment or maintenance of a sexually oriented business within either the High Industrial (I-H) or Low Industrial (I-L) Zone District unless the same has been approved as a special review use pursuant to this Chapter and is in compliance with such approval and all applicable regulations of this Chapter, and provided that it is located a minimum of five hundred (500) feet from any:

- (1) Area within the Town's boundaries zoned for residential use;
- (2) Single-family or multi-family dwelling;
- (3) Place of worship, public park or library;
- (4) State-licensed day care facility;
- (5) School or educational facility serving persons under eighteen (18) years of age; or
- (6) Any other sexually oriented business.

(b) The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. Distance between any sexually oriented business and any place of worship, school, public park, dwelling or residential district shall be measured in a straight line, without regard to intervening structures, from the nearest portion of the structure used for the sexually oriented business to the nearest property line of the place of worship, school or dwelling, or the nearest boundary of the public park or residential district.

(c) Sexually explicit advertisements or other promotional displays for sexually oriented businesses that are harmful to minors shall not be visible to minors from pedestrian ways, walkways or other public areas.

(d) No sexually oriented business shall be permitted in a PD. (Ord. O-10 §1, 2010)

ARTICLE XXXIV

Areas or Activities of Statewide Significance

Sec. 16-34-10. General.

(a) Subject to Section 24-65.1-101, et seq., C.R.S., the Board of Trustees may identify, designate and regulate areas or activities defined as matters of state interest within its jurisdiction. Matters of state interest are established to ensure that state responsibilities for the health, safety and welfare of the people of the State and the protection of the environment of the State are carried out in matters of land use, land use planning and quality of development. For areas or activities defined as matters of state interest, the Town may develop guidelines and procedures for regulating these areas or activities.

(b) The Town may designate areas of state interest from among the following:

- (1) Mineral resource areas;
- (2) Natural hazard areas;
- (3) Areas containing, or having a significant impact upon, historical, natural or archaeological resources of statewide importance; and
- (4) Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

(c) The Town may designate activities of state interest including the following:

- (1) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- (2) Site selection and development of solid waste disposal sites except those sites specified in Section 25-11-203(1), C.R.S., sites designated pursuant to Part 3 of Article 11 of Title 25, C.R.S., and hazardous waste disposal sites, as defined in Section 25-15-200.3, C.R.S.;
- (3) Site selection of airports;
- (4) Site selection of rapid or mass transit terminals, stations and fixed ways;
- (5) Site selection of arterial highways and interchanges and collector highways;
- (6) Site selection and construction of major facilities of a public utility;

- (7) Site selection and development of new communities;
- (8) Efficient utilization of municipal and industrial water projects; and
- (9) Conduct of nuclear detonations. (Ord. O-10 §1, 2010)

Sec. 16-34-20. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Alternative mode of transportation means a mode of transportation other than a single occupancy vehicle.

Arterial highway means a limited-access highway which is part of the federal-aid interstate system or a limited-access highway constructed under the supervision of the Colorado Department of Transportation ("CDOT"), including any substantial modification or expansion thereof that involves a site selection or corridor location process.

Collector highway means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers, recreation areas or industrial centers that is constructed under guidelines and standards established by or under the supervision of CDOT, including any substantial modification or expansion thereof that involves a site selection or corridor location process, but excluding a Town street or local service road or a county road designed for local service and constructed under the supervision of a local government.

Constructed under guidelines and standards established by or constructed under the supervision of CDOT includes without limitation any of the following forms of participation by CDOT:

a. CDOT or any entity formed directly or indirectly by it or the Colorado Transportation Commission, or formed by contract or agreement with it or the Colorado Transportation Commission (including, without limitation, any enterprise formed under Article 4, Title 43, C.R.S., or nonprofit entity formed by such enterprise), and:

1. Is an applicant;
2. Sells, leases, loans, donates, grants, conveys, assigns, transfers or otherwise provides any real or personal property or interests therein used or to be used in the proposed construction, modification or expansion of the arterial highway, interchange or collector highway, including transfer or assignment of any contract to the applicant that may have been awarded for the proposed construction, modification or expansion of the arterial highway, interchange or collector highway;
3. Delegates authority to the applicant or is a signatory to any intergovernmental agreement or other form of contract, agreement, conveyance, delegation or authorization required for the applicant to construct, modify or expand the arterial highway, interchange or collector highway; or

4. Performs or funds any planning, design, study, construction, supervision or maintenance functions associated with all or any portion of the construction, modification or expansion of the arterial highway, interchange or collector highway.

b. A state highway access permit from CDOT is necessary for access from the proposed construction, modification or expansion of the arterial highway, interchange or collector highway to a state highway either within or outside the Town.

Corridor means an area, measured both horizontally and vertically, within which highway facilities may be located and which the applicant proposes to recommend to the Federal Highway Administration or CDOT for approval under the corridor location phase of highway development.

Impact area means that area within the boundaries of the Town which would be impacted in any way (direct, indirect or cumulative) by the location of an arterial highway, interchange or collector highway.

Interchange means the intersection of two (2) or more highways, roads or streets, at least one (1) of which is an arterial highway, where there is direct access to and from the arterial highway.

Limited-access highway means a highway which gives preference to through traffic by providing access connection with selected roads only. A highway may be considered a *limited-access highway* even though it has some crossings at grade and private driveway connections.

Locate is synonymous with *select a site* for or *site selection* of an arterial highway, interchange or collector highway.

Rapid transit means the element of a mass transit system involving a mechanical conveyance on an exclusive land or guide way constructed solely for that purpose.

Site selection means the determination of a specific corridor or facility location which is made after corridor location studies in which:

a. Construction of an arterial highway, interchange or collector highway is proposed.

b. Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in: an increase in highway capacity by at least one (1) lane through widening or alternative lane configurations or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or the elimination of direct, at-grade access from a public road or street within the Town to such existing arterial or collector highway.

c. Expansion or modification of an existing highway is proposed which would result in a change in classification to a collector highway or arterial highway. (Ord. O-4 §1, 2011)

Sec. 16-34-30. Permit required.

A permit is required to engage in development within an area of state interest or to conduct an activity of state interest in the Town. (Ord. O-4 §1, 2011)

Sec. 16-34-40. Preapplication conference.

(a) A preapplication conference shall be held with the Town Manager. The conference is intended to provide an understanding of the applicable review procedures, requirements and standards, and provide information pertinent to the application and the geographical area affected by the application.

(b) The applicant shall bring a conceptual site plan to the conference.

(c) The Town Manager may invite any other Town staff to the conference as the Town Manager finds appropriate.

(d) Comments made by Town staff during the preapplication conference are preliminary in nature and should not be relied upon by the applicant. (Ord. O-4 §1, 2011)

Sec. 16-34-50. Application.

(a) A permit application shall be filed with the Town Clerk, accompanied by an application fee established by resolution of the Board of Trustees.

(b) To be complete, the application shall include and cover the entire development as presently contemplated and reasonably foreseeable for the proposal for a period of not less than five (5) years following the date of the application. The purpose of this requirement is to assure that the application is reviewed in a rational context of reasonably foreseeable development for the property, to avoid piecemeal analysis of applications and to allow for a comprehensive consideration of the cumulative impacts of development.

(c) The signature on an application evidences the applicant's approval of and concurrence with all statements and commitments contained in the application.

(d) The application shall provide a written description of the development or activity, including any capital improvements plan, facilities plan or other planning document which the applicant has prepared for its use, covering at a minimum a period of five (5) years from the date of the application.

(e) If the application anticipates new surface development, it shall include written certification of compliance with Article 65.5, Title 24, C.R.S., that requires examination of the public records to determine the existence and identity of owners and lessees of severed mineral interests in the property covered by the application. The application shall include a complete list of the names and addresses of such persons and describe the severed mineral interests owned or leased by each. A public hearing on the application will not be held unless the applicant furnishes the Town with signed certification confirming that the applicant has, at least thirty (30) days prior to the public hearing, transmitted to the Town and to the affected mineral estate owners and lessees the notices required by Article 65.5, Title 24, C.R.S.

(f) The applicant shall furnish a detailed description of the need for the proposed development or activity, including but not limited to:

- (1) The present and projected population of the area to be served;
- (2) The predominant types of users or communities to be served by the proposal;

- (3) The percentage of the design capacity at which the current system is now operating; and
 - (4) The relationship of the proposal to the applicant's long-range planning.
- (g) The applicant shall prepare and submit a complete environmental impact analysis of the proposal, including the following:

(1) Land use.

- a. A statement as to whether the proposal conforms to the Town's planning policies and master plans.
- b. Detailed agricultural productivity capability of the land affected by the proposal.
- c. A description of how the proposal will utilize existing easements or rights-of-way for associated transmission, distribution or collector networks.
- d. A list of additional rights-of-way or easements that will be necessary for new or expanded transportation facilities.

(2) Water resources.

- a. Indication of flood hazard areas associated with the proposal, with documentation of historical flooding activity on the parcel where the activity will be located and on other property affected by the activity and detail on the potential, adverse impacts related to the associated flood hazard area.
- b. A map and description of surface waters affected by the proposal.
- c. A description of the immediate and long-term impact and net effects that the activity would have on the quantity and quality of surface water under both average and worst-case conditions.
- d. A map and description of groundwater, including aquifers, with a description of the impacts and net effect of the activity on groundwater, including: seasonal water levels in each subdivision of the aquifer affected by the activity; artesian pressure in aquifers; groundwater flow directions and levels; existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources; for aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and aquifer storage capacity; seepage losses expected at any subsurface dam and at stream-aquifer interfaces, and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices; existing groundwater quality and classification; and location of all water wells and their uses.
- e. A description of the impacts and net effect of the activity on wetlands and riparian areas, including: a description of each type of wetlands, species composition and biomass; and a description of the source of water interacting with the surface systems to create each wetland.
- f. A map and description of terrestrial and aquatic animals, including: the status and relative importance of game and nongame wildlife, livestock and other animals; a description

of stream flows and lake levels needed to protect the aquatic environment; and a description of threatened or endangered animal species and their habitat.

(3) Wildlife.

a. A map and description of critical wildlife habitat and livestock range to be affected by the proposal, including migration routes, calving areas, summer and winter range and spawning beds.

b. A description of the impacts and net effect that the proposal could have on terrestrial and aquatic animals, habitat and food chain.

c. A map and description of terrestrial and aquatic plant life, type and density, and threatened and endangered plant species and habitat.

d. A description of the impacts and net effect that the proposal would have on terrestrial and aquatic plant life.

(4) Air quality.

a. The number of average daily trips that will be generated by the proposal.

b. A description of how state or federal air quality standards will be impacted and if the proposed transportation facility has been included in the region's air quality models to verify conformity with the air quality plan.

c. A description of the air sheds to be affected by the proposal, including the seasonal pattern of air circulation and microclimates.

d. A description of the impacts and net effect that the activity would have on air quality during both construction and operation under both average and worst-case conditions.

(5) Significant environmentally sensitive factors. A map of appropriate scale indicating the juxtaposition of any of the following features and the impact of the proposal upon each:

a. Potential natural hazards.

b. Public outdoor recreation and open space areas.

c. Unique areas of geologic, historic and archeological importance.

(6) Visual aesthetics and nuisance factors.

a. Identification of view sheds, scenic vistas, unique landscapes or land formations.

b. Identification of significant deterioration of existing natural aesthetics, creation of visual blight, noise pollution or obnoxious odors which may stem from the proposal.

c. Identification of structures, excavations and embankments that will be visible as a result of the proposal.

(7) Transportation impacts. A description of what impacts the proposal will have upon transportation patterns in the Town, through the submittal of a traffic impact analysis of the proposed transportation facilities, which includes the following:

a. The facilities required to support the existing and future land uses being served by the proposed transportation facility.

b. The traffic model data verifying consistency with the most current Denver Regional Board of Governments ("DRCOG") regional plan, the CDOT Statewide Transportation Improvement Program ("STIP") and the DRCOG Transportation Improvement Program ("TIP").

c. The existing and proposed traffic volume impacts to the adjacent road system, including local roads.

d. The existing and future level of service and capacity of the transportation facilities before and after the proposed transportation project is completed.

e. All transportation access information as required by the most current edition of the State Highway Access Code.

f. A benefit/cost analysis of the proposed transportation improvements identifying the distribution of the burden of the cost for the proposed improvements in the proposal.

(8) Less damaging alternatives. If the Town Manager determines that the nature or extent of the proposal involves the potential for significant damage to cultural or historic resources or for significant environmental damage and warrants examination of one (1) or more specific, less environmentally damaging alternatives or appropriate mitigation, the Town Manager may require the applicant to evaluate and present information on such alternatives or mitigation as part of the application. Required information on alternatives or mitigation measures may include, without limitation, information on the environmental impacts or adverse impacts upon historic or cultural resources and cost effectiveness of the alternative or mitigation measure in relationship to the proposal presented.

(h) Professional qualifications. The following shall require professional assistance:

(1) Improvement plans and reports for water supply, drainage, utilities, soils, grading, roads, structures, transportation modeling, transportation planning, transit planning, air quality planning or modeling, floods and floodplains and other civil engineering work shall be certified by a registered Colorado Professional Engineer, or other qualified professional engineer exempted from licensing requirements by state statute.

(2) Documents containing land survey descriptions shall be certified by a registered Colorado Professional Land Surveyor or other qualified professional surveyor exempted from licensing requirements by state law.

(3) Geology reports shall be prepared by a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, an individual registered as a geologist by a state or other qualified professional geologist exempted from licensing requirements by state statute. (Ord. O-4 §1, 2011)

Sec. 16-34-60. Referrals.

(a) When an application is filed with the Town, relevant portions of the application materials as determined by the Town Manager shall be referred to the agencies listed below, provided that the Town Manager may waive referrals that are not necessary to a complete review of the application.

(1) The State Engineer shall review the application to ensure conformity with applicable regulations of the Colorado Division of Water Resources and for comment on water rights administration and determination concerns.

(2) The Colorado and County Health Departments shall review the proposal for conformity with applicable health regulations.

(3) The Colorado Geological Survey may evaluate those geologic factors which would have a significant impact on the proposal.

(4) CDOT shall review the proposal for conformity to the State Highway Access Code, STIP and the regulations relative to the administration of state and federal transportation systems.

(5) DRCOG shall review the proposal and provide information relative to the impacts to the region's five-year program and the current TIP.

(6) The Colorado Division of Wildlife and the Colorado Natural Areas Board shall review applications in areas affecting natural resources of statewide importance.

(7) The Public Works Department shall review engineering aspects of the proposal.

(8) The Town Manager shall review the proposal for open space and environmental impacts and for conformance with the Comprehensive Plan, this Article, sound planning and comments from the referral agencies.

(9) The Public Works Department and the Colorado Water Conservation Board shall review the proposal for flood hazard impacts.

(b) On or before the date on which the first referral is sent, notice of the filing of the application and of its availability for inspection by the public shall be posted at Town Hall and posted on any website maintained by the Town. Such notice shall include the name of the proposal, the general location of property affected by the proposal, the proposed impacts of the proposal and any other information deemed appropriate by the Town Manager.

(c) Referral responses shall be filed with the Town Manager within twenty (20) days of referral. Failure of any referral agency to respond within the above-mentioned time period will be regarded as a response with no conflict.

(d) If referral comments received by the Town require response from the applicant, the following actions shall occur:

(1) The Town Manager shall send the relevant comments from referral agencies to the applicant as soon as possible.

(2) Within fourteen (14) days of transmittal of those comments, or by a later date specified by the Town Manager, the applicant shall respond in writing to those issues raised during the referral process that are identified by the Town Manager for applicant response.

a. Such response shall be considered an amendment to the application and shall be made part of the application to be used as a basis for a final recommendation by the Town Manager.

b. If the Town Manager finds that this new information results in a substantial change in the proposal, the Town Manager may re-refer the amended application and supporting materials to the referral agencies. The processing schedule will be amended accordingly.

c. If the applicant is unable to supply responses within fourteen (14) days, then the applicant may request, in writing, a delay in processing the application for up to ninety (90) days.

d. If the applicant fails to supply satisfactory responses within the specified time, the Town Manager may either base the Town Manager's recommendation on review of the file as it exists or reject the application as a result of the failure to provide necessary information.

(e) The Town Manager shall transmit the referral comments and the applicant's responses to the Board of Trustees for its consideration at the public hearing. (Ord. O-4 §1, 2011)

Sec. 16-34-70. Notice of hearing.

(a) Not later than thirty (30) days after receipt of a completed application for a permit, the Town Clerk shall set and publish notice of a date, time and place for a hearing before the Board of Trustees on said application. Such notice shall be published once in a newspaper of general circulation in the Town, not less than thirty (30) nor more than sixty (60) days before the date set for hearing. Said notice shall also be mailed to the applicant, posted at Town Hall and posted on any website maintained by the Town.

(b) Notwithstanding any other provision of this Article, the applicant shall be solely responsible for complying with applicable requirements of Article 65.5, Title 24, C.R.S. If the proposal is for surface development requiring compliance with Article 65.5, Title 24, C.R.S., and the applicant has certified that mineral estate owners or lessees owning less than full-fee title in the property which is the subject of the application exist, the public hearing shall not be held until the applicant certifies that the applicant has, at least thirty (30) days prior to the public hearing, transmitted to the Town and to the affected mineral estate owners and lessees the notices required by Article 65.5, Title 24, C.R.S. (Ord. O-4 §1, 2011)

Sec. 16-34-80. Hearing.

(a) General provisions.

(1) If the Board of Trustees finds that there is not sufficient information concerning any material feature of a proposal, the Board of Trustees may deny the application or it may continue the hearing until the additional information has been received.

(2) The Board of Trustees may approve an application for a permit to engage in development in an area of state interest or to conduct an activity of state interest if the proposed development or

activity complies with the provisions of this Article governing such area or activity. If the proposal does not comply with such provisions, the permit shall be denied. The Board of Trustees may impose reasonable conditions and requirements upon the permit.

(3) The Board of Trustees shall reach a decision on a permit application within one hundred twenty (120) days after the completion of the hearing or the permit shall be deemed approved. Final action approving or denying a permit application shall be by resolution stating the Board of Trustees' findings and conclusions.

(b) Approval criteria. The Board of Trustees shall approve an application that complies with this Article and meets the following requirements:

(1) The applicant has obtained or will obtain all property rights, permits and approvals necessary for the proposal.

(2) The applicant has the necessary expertise and financial capability to develop and operate the proposal consistent with all requirements and conditions.

(3) Adequate water supplies are available for the proposal.

(4) The proposal will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan or identifiable on or near the site.

(5) The proposal will not significantly degrade or pose a significant hazard to any aspect of the environment, including environmental resources and open space areas identified in the Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation, considering the following:

a. Air quality. The proposal will not significantly deteriorate air quality, considering the following:

1. Changes to seasonal ambient air quality;
2. Changes in visibility and microclimates; and
3. Applicable air quality standards.

b. Visual quality. The proposal will not significantly degrade visual quality, considering the following:

1. Visual changes to groundcover and vegetation, waterfalls and streams or other natural features;
2. Interference with view sheds and scenic vistas;
3. Changes in appearances of forest canopies;
4. Changes in landscape character types or unique land formations; and

5. Compatibility of building and structure design and materials with surrounding land uses.

c. Surface water quality. The proposal will not significantly degrade surface water quality, considering the following:

1. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;

2. Applicable narrative and numeric water quality standards;

3. Increases in point and nonpoint source pollution loads;

4. Increase in erosion;

5. Increases in sediment loading to water bodies;

6. Changes in stream channel or shoreline stability;

7. Changes in stormwater runoff flows;

8. Changes in trophic status or in eutrophication rates in lakes and reservoirs;

9. Changes in the capacity or functioning of streams, lakes or reservoirs;

10. Changes in flushing flows; and

11. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

d. Groundwater quality. The proposal will not significantly degrade groundwater quality, considering the following:

1. Changes in aquifer recharge rates, levels and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces;

2. Changes in capacity and function of wells within the impact area; and

3. Changes in quality of well water within the impact area.

e. Wetlands and riparian areas. The proposal will not significantly degrade the quality of wetlands and riparian areas, considering the following:

1. Changes in the structure and function of wetlands;

2. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas;

3. Changes to aerial extent of wetlands;

4. Changes in species' characteristics and diversity;
5. Transition from wetland to upland species; and
6. Changes in function and aerial extent of floodplains.

f. Terrestrial and aquatic animal life. The proposal will not significantly degrade the quality of terrestrial and aquatic animal life, considering the following:

1. Changes that result in loss of oxygen for aquatic life;
2. Changes in flushing flows;
3. Changes in species composition or density;
4. Changes in number of threatened or endangered species;
5. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes or any other habitat features necessary for the protection and propagation of any terrestrial animals;
6. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species; and
7. Changes to the aquatic and terrestrial food webs.

g. Terrestrial and aquatic plant life. The proposal will not significantly degrade the quality of terrestrial and aquatic plant life, considering the following:

1. Changes to habitat of threatened or endangered plant species;
2. Changes to the structure and function of vegetation, including species composition, diversity, biomass and productivity;
3. Changes in advancement or succession of desirable and less desirable species, including noxious weeds; and
4. Changes in threatened or endangered species.

h. Soils and geologic conditions. The proposal will not significantly degrade soils and geologic conditions, considering the following:

1. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential and flood hazard areas;
2. Changes to stream sedimentation, geomorphology and channel stability;

3. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs;
 4. Changes to avalanche areas, mudflows and debris fans and other unstable and potentially unstable slopes; and
 5. Exacerbation of seismic concerns and subsidence.
- (6) The proposal will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
 - (7) The proposal will not cause unreasonable loss or impairment of significant cultural resources, including but not necessarily limited to historic resources or sites and archaeological artifacts or sites.
 - (8) The proposal will not create blight or cause other nuisance factors such as excessive noise or obnoxious odors.
 - (9) The proposal will not be subject to significant risk from floods, fires, earthquakes or other disasters or natural hazards.
 - (10) The proposal or its associated transmission, collector or distribution system will not create an undue financial burden on existing or future residents of the Town.
 - (11) The proposal will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
 - (12) The planning, design and operation of the proposal will reflect appropriate principles of resource conservation, energy efficiency and recycling or reuse.
 - (13) For those applications for which the Town Manager has required information on the environmental impacts and costs of alternatives, the proposal represents the least damaging alternative of reasonable cost among the alternatives analyzed.
 - (14) The proposal is in accordance with the Comprehensive Plan, zoning and any other applicable land use designations and requirements, and any applicable intergovernmental agreement. (Ord. O-4 §1, 2011)

Sec. 16-34-90. Issuance of permit.

- (a) The permit shall set forth in detail any and all conditions imposed by the Board of Trustees to eliminate, minimize or mitigate adverse impacts of the proposal.
- (b) The Board of Trustees may establish and set forth in the permit the time or times within which substantial development activity subject to the permit must commence, or within which specified and defined substantial progress with a designated activity must occur.
- (c) The applicant shall record a certified copy of the permit with the County Clerk and Recorder. (Ord. O-4 §1, 2011)

Sec. 16-34-100. Financial security.

(a) As a condition of issuing any permit, the Board of Trustees may, in its discretion, require the applicant to file a guarantee of financial security deemed adequate by the Board of Trustees and payable to the Town.

(b) The purpose of such financial guarantee shall be to assure that the permittee shall faithfully perform all requirements of the permit and any conditions imposed by the Board of Trustees.

(c) The amount of such financial guarantee shall be established by the Board of Trustees upon consideration of the following criteria:

(1) The estimated cost of returning the site of the proposal to its original condition or to a condition acceptable to the Town;

(2) The estimated cost of completing the proposal; and

(3) The estimated cost of complying with all requirements of the permit.

(d) The financial guarantee may be in the form of an irrevocable letter of credit or escrow of either cash or corporate or municipal bonds rated at least "AA" by Standard and Poor's or an equivalent rating by Moody's, with such escrow agreement as is acceptable to the Town Attorney, subject to the following:

(1) The Board of Trustees may require that a cash deposit in an amount up to ten percent (10%) percent of the financial guarantee be provided to the Town, to be placed in a separate interest-bearing account.

(2) The irrevocable letter of credit or escrow shall provide a financial guarantee that the permittee will fulfill all obligations under the terms of the permit. Letters of credit shall have an expiration date no sooner than six (6) months following the scheduled completion of the proposal.

(3) The surety issuing an irrevocable letter of credit shall maintain an office or corresponding bank within seventy-five (75) miles of the Town and shall have a current rating of one hundred twenty-five (125) or better from IDS Financial Services, Inc., or otherwise be approved by the Town Manager.

(4) The permittee shall not have greater than ten percent (10%) ownership or managerial control over the surety issuing the financial guarantee.

(5) The permittee may request, and the Town shall grant, reductions in the financial guarantee for development constructed and initially accepted by the Town; provided, however, that sufficient security remains to ensure completion of all remaining obligations.

(e) The financial guarantee may be released only when:

(1) The permit has been surrendered to the Board of Trustees before commencement of any physical activity on the site;

(2) The proposal has been abandoned and the site thereof has been returned to its original condition or to a condition acceptable to the Board of Trustees in accordance with standards adopted by the Board of Trustees for the matter of state interest for which the permit is being granted;

(3) The project has been satisfactorily completed; or

(4) Applicable guaranteed conditions have been satisfied.

(f) The financial guarantee may be cancelled by a surety only upon receipt of the Town's written consent, which consent may be granted only when such cancellation will not compromise the purposes of the security. (Ord. O-4 §1, 2011)

Sec. 16-34-110. Enforcement; penalties; remedies.

(a) Unlawful acts. It is unlawful for any person to engage in or undertake any development in an area designated pursuant to this Article or to conduct an activity regulated by this Article without a permit issued pursuant to the Article, to fail or refuse to comply with permit requirements or to act outside the authority of the permit. A separate violation shall be deemed to occur on each day that violation occurs or continues.

(b) Civil damages. In addition to and without waiving any other available remedy, the Town may recover civil damages from any person liable to the Town for a violation of this Article or any other unlawful act or omission. Such damages shall include the Town's actual costs of discovering, investigating, curing, mitigating and repairing the consequences of such violation.

(c) Injunctive relief. In addition to and without waiving any other available remedy, the Town may obtain injunctive relief from or cure any act or omission which violates this Article or any permit issued pursuant hereto or which otherwise jeopardizes the property or health of any person, including the Town.

(d) Cumulative remedies. The remedies available to the Town shall be deemed cumulative, and the utilization by the Town of a single remedy or combination thereof shall not preclude the Town from utilizing any other remedy or combination thereof.

(e) Revocation or suspension of permit. In addition to and without waiving any other available remedy, the Town shall have and may exercise the right to suspend or revoke any permit issued pursuant to this Article when any violation of this Article or the terms or conditions of such permit occurs or continues, including, without limitation, the failure of the permittee to proceed with the proposal within the times specified in the permit, in accordance with the following:

(1) Immediate suspension or revocation. The Town Manager may immediately suspend a permit when such suspension is necessary to stop or prevent an actual or threatened imminent endangerment to the health or welfare of any person or to the environment, or interference with or damage to Town facilities.

(2) Notice and opportunity for hearing. If the Town elects to exercise its right to suspend or revoke a permit issued pursuant to this Article, the Town Manager shall notify the permittee in writing of the following, by mail or by personal delivery: the alleged violation; that the permit will be suspended or revoked on account of such violation on a date not less than thirty (30) days

from the date of the notice unless the stated violation is sooner cured; that he or she has the right to a hearing before the Board of Trustees, at which he or she may be heard concerning the alleged violation; and that, if he or she desires a hearing, he or she must request the same in writing before the suspension or revocation date specified in the notice. Delivering or mailing the notice to the address given for the permittee on the permit shall constitute delivery thereof to the owner. If the permittee does not cure the stated violation or request a hearing within the time provided, the Town shall forthwith order the permit suspended or revoked, as appropriate. If the permittee makes a timely request for a hearing, the Board of Trustees shall promptly schedule and hold such hearing. The Board of Trustees shall issue written findings and conclusions.

(3) Revocation. A permit shall be revoked and not merely suspended if the violation is of such a nature that it or its adverse effects cannot be cured or reasonably mitigated, or if the permit was suspended at least two (2) times within the preceding five (5) years as a consequence of the acts or omissions of the same permittee. A permit revoked pursuant to this Section may not be reinstated.

(4) Reinstatement. A suspension shall be rescinded by the Town upon a determination that the violation forming the basis for such suspension has been cured and that no further or other nonconforming conditions or uses by the permittee are evident. The Town shall not reinstate a permit until the person requesting reinstatement has paid the full amount of any applicable charges and any amounts expended by the Town to cure the violation or enforce the terms of this Article or the permit. (Ord. O-4 §1, 2011)

Sec. 16-34-120. Cure of violations.

(a) Order. If the Town determines that a permittee is violating this Article or the terms of the permit, the Town may give written notice thereof to the permittee. Such notice shall specify the nonconformity, direct the permittee at its cost to perform specified curative work and specify the period of time determined by the Town to be reasonably necessary for completion of the curative work.

(b) Costs. If the permittee fails within the specified time following such notice to cure the nonconformity stated therein, the Town may, in addition to and without waiving any other remedy, perform the work and charge the permittee for its actual costs incurred in connection therewith. The costs shall be a perpetual lien against any property subject to the permit until paid in full. (Ord. O-4 §1, 2011)

Sec. 16-34-130. Interpretation.

(a) Nothing in this Article shall be construed as exempting an applicant under this Article from any other applicable law or requirements of the Town. No permit issued under this Article shall be considered a representation by the Town, its staff members or consultants or the Board of Trustees that the proposed construction, modification or expansion complies generally with such federal, state or local guidelines and regulations, nor shall such approval otherwise give rise to any claim against the Town, its staff members or consultants or the Board of Trustees related to the failure of an applicant to comply therewith.

(b) To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply. (Ord. O-4 §1, 2011)

Sec. 16-34-140. Highways and interchanges.

(a) With regard to the site selection and construction of arterial highways, interchanges and collector highways, the purpose of this Article is to:

(1) Facilitate the local administration of site selection of arterial highways, interchanges and collector highways by establishing requirements that must be met before a site may be selected;

(2) Ensure that site selection of arterial highways, interchanges and collector highways occurs so that community land use, economic development and traffic needs are met, property values are preserved, desirable community patterns are not disrupted, historic, natural and archeological values are preserved and such site selection conforms to the Comprehensive Plan, as well as regional and state master plans;

(3) Ensure that community traffic capacity, flow and safety needs are met;

(4) Provide for the continuation of desirable local and regional community patterns in the face of regional development pressures;

(5) Discourage expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services;

(6) Prevent direct conflicts with local, regional and state master plans;

(7) Ensure that highway development is compatible with surrounding land uses;

(8) Encourage the coordination of highway planning with the Comprehensive Plan and avoid highway construction which divides existing communities;

(9) Discourage traffic hazards and congestion;

(10) Ensure that traffic noise and air and water pollution remain at acceptable levels;

(11) Protect property values; and

(12) Protect scenic, recreational, natural, historic and archaeological resources, including the mountain backdrop and historic districts in and around the Town.

(b) In addition to all other requirements of this Article, an application for a permit to engage in the site selection of an arterial highway, interchange or collector highway shall include the following:

(1) A list of all reasonable alternative corridor locations for the proposed arterial highway, interchange or collector highway.

(2) For the proposed and each alternative corridor location considered, including the no-action alternative, the following information:

a. A location map showing the corridor and general area.

b. A corridor location proposal, study or other documentation which includes: type, scale and appearance of the improvement; cost estimate, including mitigation costs; and approximate timetable for construction and right-of-way acquisition.

c. Demographic information in the impact area and within the Town, including: current population and density; total employment, occupation types and major employer locations; average family income; and population projections in five-year increments over the next twenty (20) years.

d. The need for the proposed arterial highway, interchange or collector highway.

e. Major traffic generators in the impact area and the Town.

f. The planned level of service in relationship to projected user demand within the Town.

g. A map and description of existing land use in the impact area within the Town in relationship to the existing circulation system and the proposed arterial highway, interchange or collector highway.

h. A map of the impact area within the Town showing planned, proposed or expected land use at each year of population projection, with and without the proposal.

i. The approximate number of users of the proposed corridor or interchange location in terms of existing Town residents, new Town residents and non-Town residents.

j. Plans for promoting the use of alternative modes of transportation.

k. Anticipated noise levels, including noise levels expressed through eight-hour and twenty-four-hour equivalent sound level metrics and single-event noise metrics, and a description of noise abatement measures that are proposed for each alternative, including for each alternative the estimated construction costs and costs of operations and maintenance, decibel reduction effectiveness and height, length and material type for barriers.

l. The local air quality impacts of the proposal, including attainment of federal and state ambient air quality standards and risks to human health and the environment posed by air pollutants, including but not limited to nitrogen oxides (NO_x), ozone, PM-10, benzene, 1,3-butadiene and other fuel combustion by-products.

m. The impacts of the proposal on accessibility to and from existing public facilities, commercial and industrial facilities and residential areas within the Town.

n. Health and safety hazards, including exposure to hazardous materials, which may result from the proposal.

o. How the proposal will conform to the Comprehensive Plan goals, objectives and policies, and applicable state or regional plans, goals, objectives and policies.

p. The development potential that would result in the impact area and within the Town with and without the completion of the proposal, measured in terms of land values, land availability, land use controls, vacancy rates, tax revenues and public expenditures, along with indices of

accessibility to schools, utility service, other public and quasi-public services, local and regional amenities and employment opportunities, and the increased demand that the proposal will place on the following within the Town: other roadways, mass transit, trails, bike paths and other transportation, housing, employment, schools, commercial services, health services, police and fire protection, solid waste disposal, water supply systems, wastewater collection and disposal systems, storm water collection and release systems, power, communications, parks, open space and recreation, other public and quasi-public utilities and other planned public services.

q. The costs and benefits to the Town resulting from the land use commitment necessitated or facilitated by the proposal compared to alternative projected land uses in terms of land suitability, transportation, community services, utilities and revenues.

r. Alternatives which may be utilized by the Town in planning for and controlling adjacent land use.

s. Impacts of the proposal on water quality and water resources, including effects on floodplains and wetland values and functions.

t. Impacts of the proposal on historic properties and districts or other historic resources in the Town.

u. Impacts of the proposal on property values and on sensitive, key commercial tourist or visitor areas or districts in the Town and the region.

v. Impacts of the proposal on wildlife and fisheries, sensitive, endangered or threatened species and scenic parks, recreational, archeological, paleontological or other natural resources, including but not limited to the mountain backdrop.

w. Impacts of the proposal on the character of nearby neighborhoods, as well as the impacts of increased division or separation of neighborhoods caused by the proposal.

x. Feasible alternatives for mitigating adverse effects of the proposal, including but not limited to effects on the level of public services, access to public services, division of existing communities, water quality, air quality, noise levels and scenic, historic, recreational, archeological or natural resources, including, without limitation:

1. Alternative locations, configurations and access for the highway or interchange, including but not limited to grade-separated interchanges and complete or partial construction below grade with cover and landscaping suitable for recreational use or for construction of Town streets, bike paths or pedestrian walkways;

2. Alternative pavement types;

3. Alternative highway maintenance and snow removal methods;

4. Sound walls and other sound-mitigating structures, such as transparent noise barriers and berms;

5. Landscaping;

6. Speed limits and speed control devices;
7. Limits on the use of compression brakes; and
8. Wildlife crossings and pedestrian bridges.

(c) The Board of Trustees shall approve an application for a permit to locate an arterial highway, interchange or collector highway in the Town only if the proposal complies with this Article and other applicable law and regulations, and meets all the following requirements:

(1) The proposed arterial highway, interchange or collector highway will be located so that community traffic needs are met.

(2) The proposed arterial highway, interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need for such highway facilities has been demonstrated.

(3) Reasonable alternative modes of transportation will be incorporated into the highway proposal.

(4) Desirable local and regional community land use patterns will not be disrupted by the proposal.

(5) The proposal will not impede the delivery of essential community services and goods.

(6) The proposal will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to, public facilities, including the downtown area, schools, hospitals, mass transit, pedestrian walkways and bikeways, recreational areas and open spaces.

(7) The proposal will not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways to the downtown area, local commercial services, business and employment centers and public facilities, including schools, hospitals, recreational areas and open spaces.

(8) The proposal will not create safety hazards to motorists, pedestrians or bicyclists by contributing to overuse, improper use or congestion, or cause unnecessary diversion of regional traffic onto other Town roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.

(9) The proposal does not directly conflict with applicable local, regional and state master plans, including but not limited to transportation plans.

(10) The proposal will be located and implemented in accordance with the Comprehensive Plan.

(11) The proposal will not contribute to the expansion of demand for public services beyond the reasonable capacity of the Town or the region to provide such services.

(12) The proposal will not contribute to the expansion of regional or local demand for public utilities beyond the reasonable capacity of the utility companies or authorities to provide such services.

(13) The site selection adheres to the plan, process, procedure and requirements of the State and the Federal Highway Administration, and such construction, expansion or modification will be included in the then-current Denver Metropolitan Regional Transportation Plan.

(14) The benefits to the Town of the proposal, including expected development in the regional and local impact areas, will outweigh the social, fiscal and environmental impact and the loss of any scenic, historic, archeological or natural resources or agricultural lands rendered unavailable as a result of the location of the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

(15) The proposal will not increase water pollution levels in violation of applicable federal, state and local water quality control standards and will result in no net loss of wetland values and functions.

(16) The maximum anticipated use over the next twenty (20) years of the arterial highway, interchange or collector highway will not increase air pollution levels beyond applicable federal or state ambient air standards or to levels that pose unacceptable risks to human health and the environment, and will conform to the vehicle emissions budget of the SIP.

(17) Noise levels will not exceed fifty-five (55) decibels as measured by a twenty-four-hour Equivalent Sound Level metric at the property line of a residence, school, church or other noise-sensitive location nearest to the proposed arterial highway, interchange or collector highway, unless the Board of Trustees determines that meeting such sound level is infeasible, that all feasible avoidance or mitigation measures will be incorporated, and the public benefit of any new or modified arterial highway, interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

(18) The proposal will not result in the destruction, impairment or significant alteration of historic properties or districts within the Town and will not impair the function or historic integrity of an historic resource of statewide importance.

(19) The proposal will not result in the destruction, impairment or significant alteration of sensitive, key commercial, tourist or visitor areas or districts within the Town.

(20) The proposal will not contribute to a negative economic impact to commercial, tourist or visitor areas or districts within the Town.

(21) The proposal will not significantly or unnecessarily detract from the mountain backdrop or other significant scenic resources within the Town or the region.

(22) The proposal will be designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas and designated historic districts in the Town, and to blend into the surroundings, yet will allow the Town to be seen from the highway. Interchanges will be attractively landscaped and will identify major gateways to the Town consistent with the Comprehensive Plan.

(23) If the proposal includes the imposition of tolls, any existing state roads which have historically provided free access within the Town limits will continue to provide free and nontolled access.

(24) The proposal will not result in a design speed greater than fifty-five (55) miles per hour, unless the Board of Trustees finds that achieving such design speed is infeasible and all feasible mitigation of the adverse effects of higher speeds (including without limitation noise levels, air quality and safety) will be incorporated. (Ord. O-4 §1, 2011)

Sec. 16-34-150. Mineral resource areas.

(a) The purpose of the regulations contained in this Article with regard to the mineral resource area is to:

- (1) Ensure compatibility between mineral extraction operations and surrounding land uses;
- (2) Protect and enhance the quality of life in the Town;
- (3) Protect environmentally and visually sensitive areas from the negative impacts of mineral extraction;
- (4) Ensure development of a transportation system adequate to support mining-related traffic;
- (5) Protect and preserve important historic and archaeological resources;
- (6) Safeguard the Town's air and water quality;
- (7) Address the potential negative visual impact of mining operations; and
- (8) Provide for appropriate end use of mining sites.

(b) In addition to all other requirements of this Article, an application for a permit to extract minerals within the mineral resource area shall include the following:

- (1) Aerial photographs that reasonably portray the current condition of the area affected by the permit application.
- (2) List of the owners of mineral rights that will be affected.
- (3) Type and location of mineral resources on or under the property.
- (4) Analysis of the commercial feasibility of extracting the mineral resource.
- (5) Evidence that the mineral extraction will be of greater economic value than other types of development.
- (6) Map or maps portraying the geologic conditions of the area with specific attention to the designated mineral resource deposit. If appropriate or needed, subsurface geologic cross-sections shall also be utilized to portray the geologic conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.

(c) The Board of Trustees shall approve an application for a permit to extract minerals within the mineral resource area only if the proposed extraction complies with this Article, other relevant federal, state and local guidelines and regulations, and meets all the following requirements and criteria:

- (1) Development of the mineral resource area will be compatible with surrounding land uses;
- (2) The positive impacts of development outweigh the negative impacts;
- (3) Access is provided over haul routes with adequate capacity, design and maintenance levels;
- (4) Significant wildlife habitat is protected;
- (5) Historical and archaeological resources are identified and protected;
- (6) Monitoring and mitigation are adequate to protect the Town's air quality;
- (7) Erosion control, wetland protection and other necessary water quality control safeguards are provided to ensure the area's water quality;
- (8) Noise monitoring and noise abatement programs are sufficient to protect sensitive uses and areas from noise pollution;
- (9) The blasting plan provides the surrounding area thorough protection from noise and blasting;
- (10) Open space, parks and recreation areas are protected from the potential negative impacts of mining, and open space and recreational values are considered in the end-use plan;
- (11) Visual impact is thoroughly analyzed and the duration, extent and the exposure of project visibility are reasonable;
- (12) Project phasing results in reasonable intermediate site restoration;
- (13) End uses are compatible with surrounding areas and with the Comprehensive Plan; and
- (14) Development of the resource will not cause significant danger to the public health and safety. (Ord. O-4 §1, 2011)

ARTICLE XXXV

Historic Designation

Sec. 16-35-10. Purpose.

It is the policy of the Town that the protection, enhancement, perpetuation and use of structures and land of historical, architectural or geographic significance located within the Town is in the public interest. (Ord. O-10 §1, 2010)

Sec. 16-35-20. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Alter or *alteration* means the act or process of changing one (1) or more of the exterior architectural features of a designated structure or site.

Site means any parcel of land, structure, improvement or group of structures or improvements and the surrounding environs. (Ord. O-10 §1, 2010)

Sec. 16-35-30. Commission established.

The Planning Commission is hereby designated as the Historic Designation Commission (the "Commission"). (Ord. O-10 §1, 2010)

Sec. 16-35-40. Powers and duties.

(a) The Commission shall review from time to time the criteria for designation of historic sites as set forth in this Chapter and shall make recommendations to the Board of Trustees for amendments.

(b) The Commission shall prepare application forms, shall review applications for designation of sites as being historic pursuant to this Chapter and shall make recommendations to the Board of Trustees as to whether it should designate the site described in the application for such designation. (Ord. O-10 §1, 2010)

Sec. 16-35-50. Designation.

(a) Criteria. To qualify for designation as an historic site, the Commission shall determine that it has historic significance due to one (1) or more of the following criteria:

(1) It has character, interest or value as part of the historical development, heritage or culture of the community, State or Nation.

(2) Its location is a site of a significant historic event.

(3) Its identification with a person or persons who significantly contributed to the culture and development of the Town.

(4) Its exemplification of the cultural, economic, social or historic heritage of the Town.

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(6) Its embodiment of distinguishing characteristics of an architectural type or specimen.

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the Town.

(8) Its embodiment of the elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.

(9) Its relationship to other distinctive areas that are eligible for designation according to a plan based on an historic, cultural or architectural motif.

(10) Its unique location of singular physical characteristics representing an established familiar visual feature of a neighborhood or of the Town.

(b) Procedure.

(1) Applications. Applications for designation of historic sites shall be made to the Town staff on forms provided by the Town. Applications shall be made only by the owners or authorized designees of one hundred percent (100%) of the site for which the application is submitted.

(2) Staff review. Town staff shall review and comment on applications for designation of historic sites and shall forward completed applications and staff recommendations to the Commission.

(3) Commission review. After receipt of staff recommendations, the Commission shall review and comment on applications for designation of historic sites and shall forward its recommendations to the Board of Trustees.

(4) Board of Trustees action. Upon review of the application and recommendations from staff and the Commission, the Board of Trustees shall by resolution approve, modify and approve or disapprove the proposed historic designation.

(5) Recording. The resolution designating a site as a local historic landmark shall be recorded in the records of the County Clerk and Recorder.

(c) If the Board of Trustees disapproves an application for historic designation or an applicant withdraws an application prior to Board action, no person shall submit an application for the same site within one (1) year of the disapproval or withdrawal. (Ord. O-10 §1, 2010)

Sec. 16-35-60. Amendment of designation.

Designation of an historic site may be amended to add features or property to the site according to the application process described in this Chapter for new designations. (Ord. O-10 §1, 2010)

Sec. 16-35-70. Alteration of designated historic landmark.

(a) It is the intent of this Article that all modifications to designated historic landmarks be done in conformance with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as published by the U.S. Department of the Interior, National Park Service.

(b) An owner of a designated historic site shall notify the Town Clerk of the owner's intention to alter, demolish, move or remove the site and provide plans for the work at least thirty (30) days prior to beginning such work. This notification requirement shall run with the land and shall bind successors and assigns. The Town Clerk shall, upon receipt, forward the notification and plans to the Commission. The Commission shall review the plans and may advise the owner on the potential effect of the plans on the historic designation. The Commission may forward a recommendation to

the Board of Trustees that, based on the plans, the historic designation be modified or revoked. (Ord. O-10 §1, 2010)

Sec. 16-35-80. Revocation of designation.

The Board of Trustees may revoke or modify an historic designation, after fifteen (15) days' notice to the owner and a public hearing noticed by publication pursuant to Section 16-2-60, if any of the following conditions exist:

- (1) If an owner of a designated site fails to provide notification as required in this Chapter or if alterations to the site will significantly alter the historic character of the site;
- (2) If an owner of a designated historic site submits a written request to the Town for revocation of a historic designation;
- (3) If the Commission makes a recommendation for modification or revocation based on an owner's written intent to alter a designated historic site; or
- (4) If modifications are made to an historic landmark that are found by the Commission to not be in accordance with the standards specified in this Chapter. (Ord. O-10 §1, 2010)